

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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IN RE: FRAGRANCE INDIRECT  
PURCHASER ANTITRUST LITIGATION

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: Civil Action No.: 23-3249 (WJM)(JSA)  
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**DECLARATION OF JOSEPH J. DEPALMA**

JOSEPH J. DEPALMA, ESQ., of full age, hereby declares under penalty of perjury as follows:

1. I am an attorney licensed to practice in New Jersey and am a member of Lite DePalma Greenberg & Afanador, LLC, co-counsel for Plaintiffs in the above matter. I make this declaration in support of Plaintiffs' unopposed motion for appointment of interim class counsel, a steering committee, and liaison counsel for the Indirect Purchaser Plaintiff class application in the above matter.

2. Attached as Exhibit 1 of this Declaration is the Firm Resume of Cuneo Gilbert & LaDuca, LLP.

3. Attached as Exhibit 2 to this Declaration is the Firm Resume of Gustafson Gluek PLLC.

4. Attached as Exhibit 3 to this Declaration is the Firm Resume of the Tostrud Law Group, PC.

5. Attached as Exhibit 4 to this Declaration is the Firm Resume of BoiesBattin LLP.

6. Attached as Exhibit 5 to this Declaration is the Firm Resume of Lite DePalma Greenberg & Afanador, LLC.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: August 11, 2023

/s/ Joseph J. DePalma

Joseph J. DePalma

# **EXHIBIT 1**

## **CUNEO GILBERT & LADUCA, LLP**

### **FIRM PROFILE**

We specialize in civil litigation in federal and state courts, including general commercial practice, antitrust, civil rights, government relations, products liability, administrative, securities, labor, and consumer law.

With a proven track record of winning in court and in Congress, we have represented and served clients since 1988 on issues of broad significance. Neither a mega-firm with 200 plus attorneys, nor a small firm with limited expertise, we are instead a group of over a dozen lawyers who together have decades of experience going to court to right wrongs. We focus on representing individuals and small businesses that have been victims of antitrust violations, faulty products, civil rights violations, and securities fraud.

### **TRIAL AND APPELLATE**

Cuneo Gilbert & LaDuca attorneys are experienced advocates. Between them, our attorneys have:

- conducted numerous trials, the most recent of which resulted in a \$113 million verdict on behalf of our clients;
- argued contested motions in state and federal court and conducted quasi-adjudicative, administrative, and arbitral proceedings resulting in a final adjudication;
- argued appeals in federal circuit courts of appeal;
- argued appeals in state courts; and
- testified before Congress, state legislatures, or federal or state administrative bodies numerous times.

### **GOVERNMENT SERVICE**

Cuneo Gilbert & LaDuca attorneys have held positions of trust in state or federal governments, including:

- One was the Executive Director of a Federal agency, the highest staff position; and
- Multiple were Assistant U.S. Attorneys and one was a public defender.

### **ACADEMIC ACHIEVEMENTS/CLERKSHIPS**

Cuneo Gilbert & LaDuca attorneys have strong academic qualifications, and many were judicial clerks or interns. Multiple attorneys:

- Served as law review members or editors; and
- Served as judicial law clerks or interns.

### **COMMUNITY AND CHARITY**

Cuneo Gilbert & LaDuca, LLP supports many charities in our community, both in the United States and abroad. Over the past five years, CGL has contributed to organizations supporting equal justice,



centers for human rights, groups combatting hunger, medical centers and universities in Israel, cancer research efforts, cancer survivor support, legal programs, law schools, juvenile justice initiatives, better government, and wounded veterans of the Iraqi and Afghanistan wars. CGL has also made a major financial commitment to help indigent clients seek representation in the District of Columbia through the “Raising the Bar” campaign of the D.C. Access to Justice Project.

## PARTNERS & FIRM MANAGEMENT COMMITTEE

**Charles J. LaDuca**, born Buffalo, New York, September 30, 1974. Admitted to the New York State Bar, 2001; District of Columbia Bar, 2002; United States Supreme Court, 2009; United States Court of Appeals for the Second Circuit, 2007; United States Court of Appeals for the Third Circuit, 2004; United States Court of Appeals for the Sixth Circuit, 2012; United States Court of Appeals for the Ninth Circuit, 2011; United States Court of Appeals for the District of Columbia Circuit, 2013; United States District Court for the Northern District of New York, 2002; United States District Court for the Western District of New York, 2004; United States District Court for the Southern District of New York, 2013; United States District Court for the District of Columbia, 2002; United States District Court for the Central District of Illinois, 2009; United States District Court for the District of Colorado, 2008; United States District Court for the Western District of Michigan, 2010. Education: George Washington University (B.A., 1996); Catholic University of America (J.D., 2000). Member: District of Columbia Bar Association (Corporation, Finance and Securities Law Section); New York State Bar Association; New York State Society.

**Pamela B. Gilbert**, born New Brunswick, New Jersey, October 3, 1958. Admitted to the New York Bar, 1985 (inactive); District of Columbia Bar 1986. Admitted to practice in D.C. Education: Tufts University (B.A., *magna cum laude*, 1980); New York University (J.D., 1984). Experience: Consumer Program Director, United States Public Interest Research Group (1984-1989); Legislative Director, Executive Director, Public Citizen's Congress Watch (1990-1992; 1992-1994); Attorney, M+R Strategic Services (1995); Executive Director, Consumer Product Safety Commission (1996-2001); Chief Operating Officer, M+R Strategic Services (2001-2002). Honors and Activities: Board Chair, American Antitrust Institute (2010 - ); Board Member, Project on Government Oversight (2016 - ); Past member of the Board of Directors, National Environmental Law Center (2006 - 2016); Past member of Board of Directors, Equal Justice Works (2004 - 2012). Publications: PRIVATE ENFORCEMENT OF THE ANTITRUST LAWS IN THE UNITED STATES (edited by Albert A. Foer and Randy M. Stutz), "Proposals for Reform," written with Victoria Romanenko. Member: New York Bar Association; District of Columbia Bar Association; American Bar Association; American Association for Justice; Public Justice; Consumer Attorneys of California.

**Michael J. Flannery**, born January 22, 1963. Admitted to the Virginia Bar, 1991; District of Columbia Bar, 1992; California Bar, 1998; Missouri Bar, 2001. Admitted to practice before the United States Court of Appeals for the Third Circuit; United States Court of Appeals for the Ninth Circuit; United States District Court for the Eastern District of Missouri, United States District Court for the Western District of Missouri, United States District Court for the Southern District of Illinois, United States District Court for the Northern District of Illinois, United States District Court for the Northern District of California, United States District Court for the Southern District of California, United States District Court for the Central District of California, United States District Court for the Eastern District of California, and the United States District Court for the District of Columbia. Education: University of Notre Dame (B.A., 1985); College of William and Mary Marshall-Wythe School of Law (J.D., 1991). Honors and Awards: William and Mary Law Review (1989-91); Publication of Student Note: "Abridged Too Far: Anticipatory Search Warrants and the Fourth Amendment," 32 WM. & MARY L. REV. 781 (1991) (reprinted in 14 Criminal Law Review (1992)); Teaching Assistant, William and Mary Legal Skills Program; Chief Justice, William and Mary Honor Council; Notre Dame Scholar/Edward W. Krause Academic Scholarship. Experience: Cohen, Milstein, Hausfeld & Toll, Washington, DC, 1994-1997; Milberg Weiss Bershad Hynes & Lerach, San Diego, CA, 1997-2000; Carey, Danis & Lowe, St. Louis, MO, 2000-2012.

**A. Blaine Finley**, born Houston, Texas, January 15, 1988. Admitted to the New Jersey Bar, 2014; New York Bar 2015; District of Columbia Bar, 2017. Admitted to practice before the United States District Court for the District of New Jersey, 2014; United States District Court for the Eastern District of New York, 2015; United States District Court for the Southern District of New York, 2015. Education: Columbia Law School (J.D., 2014); Princeton University (A.B., 2011). Experience: Associate, Brower Piven, A Professional Corporation (2014-2016).

## ATTORNEYS

**Daniel M. Cohen**, born Detroit, Michigan, January 24, 1958. Admitted to the Florida Bar, 1989; District of Columbia Bar, 2001; Maryland State Bar, 2003; Virginia State Bar, 2010. Admitted to practice before the United States District Court for Maryland, 2002; United States District Court for the Middle District of Florida, 2003; United States District Court of District of Columbia, 2008; Eastern District of Virginia, 2010; Western District of Virginia, 2010; Southern District of Florida, 2013. Education: Ithaca College (B.A., 1981); Western New England School of Law (J.D., 1988). Experience: Criminal Defense Trial Attorney, Public Defenders Office, tried 70 jury trials, Jacksonville Florida, 1989-1999. Member: District of Columbia Bar Association (Antitrust and Consumer Law Section); Florida State Bar Association.

**Monica Miller**, born Queens, New York, May 16, 1966. Admitted to the Bar of the Commonwealth of Massachusetts, 1992; Louisiana Bar, 1993; District of Columbia Bar, 1994. Admitted to practice before the United States Courts of Appeals for the First Circuit, 1998, Fourth Circuit, 2010, Ninth Circuit, 2010, Tenth Circuit, 2011, D.C. Circuit, 2012; United States District Court for the District of Massachusetts, 1994; United States District Court for the District of the District of Columbia, 2008. Education: Tufts University (B.A., *magna cum laude*, 1988); University of Virginia (J.D., 1991). Experience: Law Clerk to the Honorable Edith Brown Clement, United States District Court for the District of Louisiana, 1991-1993; Berman, DeValerio & Pease, Boston, MA 1994-1999; sole practitioner, 1999-2008. Languages: French, Spanish.

**Mark H. Dubester**, born Washington, DC, May 17, 1955. Admitted to the District of Columbia Bar, 1980; Member of the United States District Court for the District of Columbia. Education: Tufts University (B.A., *magna cum laude*, 1977); New York University School of Law (J.D., 1980). Experience: Trial Attorney, United States Department of Justice, Antitrust Division (*AT&T* case) (1980-1983); Assistant United States Attorney, United States Attorneys Office for the District of Columbia (60 jury trials) (1983-2007); Counsel for the Committee and Special Impeachment Counsel, House Committee on the Judiciary (2007-2010); Deputy Chief Investigative Counsel, Special Inspector General for the Troubled Asset Relief Program (SIGTARP) (2011-2012); Associate General Counsel/Prosecutor, Special Inspector General for Afghanistan Reconstruction (SIGAR) (2012-2017).

**Alexandra C. Warren**, born Bucharest, Romania, October 9, 1977. Admitted to the Florida Bar, 2016; New York Bar, 2003 (retired); Massachusetts Bar, 2003 (retired); Pennsylvania Bar, 2004 (retired); District of Columbia Bar, 2007 (retired). Admitted to practice before the United States District Court for the Eastern District of Pennsylvania, 2005; United States District Court for the Western District of Pennsylvania, 2007; United States District Court for the District of Columbia, 2007; United States District Court for the Middle District of Pennsylvania, 2009; United States District Court for the Western District of Michigan, 2010; United States District Court for the District of Massachusetts, 2012; United States Court of Appeals for the Third Circuit, 2009; United States Court of Appeals for the Fifth Circuit, 2009; United States Court of Appeals for the Ninth

Circuit, 2011; United States Supreme Court, 2009. Education: Brandeis University (B.A., *cum laude*, 1999); Fordham University Law School (J.D., 2002) (Fordham Environmental Law Journal, Staff). Honors: Archibald R. Murray Public Service Award (2002); Addison M. Metcalf Labor Law Prize (2002). Experience: Law Clerk to the Honorable John E. Jones III, United States District Court for the Middle District of Pennsylvania (2002-2004); Associate, MacElree Harvey, Ltd. (2004-2006). Member: Florida Bar Association.

**Jennifer E. Kelly**, born Elmira, New York, July 7, 1975. Admitted to the Maryland Bar, 2007, District of Columbia Bar, 2008, U.S. District Court for the District of Columbia, 2012. Education: Boston University (B.A., *cum laude*, 1997), American University (J.D., *cum laude*, 2007; highest grade designation, Wills, Trusts, & Estates). Experience: Internship, Parliament of Great Britain (1995); Internship, District of Columbia Corporation Counsel (1996); Legislative Assistant, Office of Senator Robert C. Byrd (1998-2002); American University Civil Practice Clinic (Oral Argument before the Maryland Court of Special Appeals and Maryland District Court Small Claims Trial) (2006); Associate, Bracewell & Giuliani, LLP (2007-2009) (Paralegal, 2003-2007); Volunteer Attorney, American Red Cross (2010-2011). Member: American Bar Association.

**Brendan S. Thompson**, born Buffalo, New York, February 21, 1974. Admitted to the Maryland Bar, 2008; Admitted to practice before the United States District Court for the District of Colorado, 2008; United States District Court for the Central District of Illinois, 2008; United States Court of Appeals for the Ninth Circuit, 2011. Education: University of Detroit (B.S., 1997); visiting student, George Mason Law School; University of Baltimore Law School (J.D., 2008). Experience: Student Internships: Congressman Brian Higgins (D-NY) (2007); Chambers of the Honorable LeRoy F. Millett Jr., Circuit Court for the 31st Judicial Circuit of Virginia (2006); The Commonwealth's Attorney's Office for Prince William County, Virginia (2005). Member: Maryland State Bar Association, Bar Association of Baltimore City, American Bar Association; New York State Society.

**Victoria R. Sims**, born Kiev, Ukraine, April 8, 1983. Admitted to the Maryland Bar, 2009; the District of Columbia Bar, 2012. Education: Catholic University, Columbus School of Law (J.D., 2009); Brandeis University (B.A., with honors, 2006). Experience: Worked at a Washington D.C. firm engaging in antitrust and telecommunications litigation (2009-2011). Law Clerk at U.S. International Trade Commission (2009) (antidumping, countervailing duties, Section 337). Law Clerk at Department of Labor (2008) (Occupation Safety and Health Division). Law Clerk at District of Columbia Office of the Attorney General (2007) (Civil Enforcement Section). Ms. Sims was also nominated for the 2009 Jan Jancin award upon her completion of law school. This nomination is given to the student with the highest Intellectual Property GPA in the graduating class. Ms. Sims is the recipient of the American Antitrust Institute's Outstanding Litigation Achievement by a Junior Lawyer Award (2017), for her work in the *Automotive Parts Antitrust Litigation*, 12-md-02311. Publications: *Remediation and Deterrence: The Real Requirements of the Vindication Doctrine*, 82 Geo. Wash. L. Rev. Arguendo 59 (2013); PRIVATE ENFORCEMENT OF THE ANTITRUST LAW IN THE UNITED STATES (edited by Albert A. Foer and Randy M. Stutz) (2012), Chapter, *Proposals for Reform*, co-authored with Pamela Gilbert. Ms. Sims has a working knowledge of Russian and French.

**Peter Gil-Montllor**, born Manhasset, New York, October 11, 1987. Admitted to the New York Bar, 2014. Admitted to practice before the United States District Court for the Eastern District of New York, 2015; United States District Court for the Southern District of New York, 2015. Education: Georgetown University (J.D., magna cum laude, 2013); University of Chicago (A.B., with honors,

2009). Experience: Law clerk to the Honorable Allyne R. Ross, United States District Court for the Eastern District of New York (2015-2016). Member: Federal Bar Council. Mr. Gil-Montllor is a native speaker of Spanish.

**Christian Hudson**, born Southampton, New York, July 26, 1985. Admitted to the New York Bar, 2013. Admitted to practice before the United States District Court for the Southern District of New York, 2013; Eastern District of Texas, 2014; Eastern District of New York, 2018. Education: New York University (J.D., 2012); Yale University (B.A., with distinction, 2007). Experience: Associate, Gibson, Dunn & Crutcher LLP (2012-2018). Member: The Sedona Conference; LeGaL, the LGBT Bar Association of New York; American Bar Association.

**Cody McCracken**, Admitted to the United States District Court for the District of Columbia, 2023. Education: William & Mary Law School (J.D., 2022), Montana State University (B.A., 2018). Member: American Agricultural Law Association.

### SPECIAL COUNSEL

**Robert J. Cynkar**, born Chicago, Illinois, April 22, 1952. Admitted to the Illinois Bar, 1977; District of Columbia Bar, 1978; Virginia Bar, 1984. Admitted to practice before the United States Supreme Court and before the United States Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Eighth, Eleventh, District of Columbia Circuit, and Federal Circuits. Education: Princeton University (A.B., *magna cum laude*, 1974); New York University School of Law (J.D., 1977) (Staff, Law Review). Experience: Associate, Fried, Frank, Harris, Shriver & Kampelman, Washington, D.C. (1977-1979); Counsel to Chairman Bob Dole, Subcommittee on Improvements in Judicial Machinery, United States Senate Committee on the Judiciary (1979-1981); General Counsel to Chairman Paul Laxalt, Subcommittee on Regulatory Reform, United States Senate Committee on the Judiciary (1981-1983); Assistant United States Attorney, Eastern District of Virginia (Criminal Division) (1983-1985); Special Assistant to Attorney General Edwin Meese (1985); Deputy Assistant Attorney General, Civil Division, United States Department of Justice (1985-1988); Associate, Shaw, Pittman, Potts & Trowbridge, Washington, D.C. (1988-1991); Partner, Shaw, Pittman, Potts & Trowbridge, Washington, D.C. (1991-1996); Founding Partner, Cooper & Kirk, Washington, D.C. (1996-2003); Partner, Egan, Fitzpatrick, Malsch & Cynkar, Vienna, Virginia (2004-2006); has tried over 25 cases in federal and state courts; has briefed numerous appeals in the majority of Federal Circuits and in State Supreme Courts, and in the U. S. Supreme Court, and personally argued many of those appeals. Sample Noteworthy Cases: *U.S. v. Fleming* (E.D. Va. 1984) (successful prosecution of a drunk driver who killed a mother of 11 for second-degree murder); *U.S. v. Winstar* (U.S. Sup. Ct. 1996) (holding that even the requirements of a broad change in regulatory policy by Congress cannot excuse the federal government's breach of contract); *U.S. ex rel. Ubl v. IIF Data Solutions* (E.D. Va. 2009) (successful defense of a government contractor accused of violating the False Claims Act in a bet-the-company case); *Livingston v. Virginia Dept. of Transportation* (Va. Sup. Ct. 2012) (establishing that a damaging for public use does not need to rise to the level of a taking to qualify for just compensation under the Virginia Constitution); *Settle v. RGR*, (Prince William Cir. Ct. 2012)(over \$3 million jury award for the widow of a truck driver killed in a collision with a train). Publications: *Dumping on Federalism*, 75 U. COLO. L. REV. 1261 (2004); *The Changing Vocabulary of Administrative Law*, 43 FOOD DRUG COSM. L.J. 681 (1988); “*Buck v. Bell: ‘Felt Necessities’ v. Fundamental Values?*” 81 COLUM. L. REV. 1418 (1981). Member: District of Columbia Bar Association; Virginia Bar Association; Fairfax County Bar Association; Federalist Society.



## OF COUNSEL

**Charles Tiefer**, born January 21, 1954. Admitted to the District of Columbia Bar. Admitted to practice before the United States Supreme Court; United States Court of Federal Claims. Education: Columbia University (B.A., *summa cum laude*, 1974), Harvard Law School (J.D., *magna cum laude*, 1977) (Member, Harvard Law Review). Experience: Law clerk, United States Court of Appeals for the D.C. Circuit (1977-1978); Trial Attorney, United States Department of Justice, Civil Rights Division (1978-1979); Assistant Senate Legal Counsel, United States Senate (1979-1984); Solicitor and Deputy General Counsel, United States House of Representatives (1984-1995); Professor of Law, University of Baltimore School of Law (1995 - ). Publications: VEERING RIGHT: HOW THE BUSH ADMINISTRATION SUBVERTS THE LAW FOR CONSERVATIVE CAUSES (U. Cal. Berkeley, 2004); GOVERNMENT CONTRACT LAW: CASES AND MATERIALS (co-author) (Carolina Academic Press, 2d ed., 2004); THE SEMI-SOVEREIGN PRESIDENCY (Westview, 1994); CONGRESSIONAL PRACTICE AND PROCEDURE (Greenwood Press, 1989); *Congress's Transformative "Republican Revolution" in 2001-2006 and the Future of One-Party Rule*, J. L. & POL. OF U. VA. (2008); *The Iran Debacle: The Rise and Fall of Procurement-Aided Unilateralism as a Paradigm of Foreign War*, UNIV. PENN. J. INT'L ECON. LAW (2008); *Can Appropriation Riders Speed Our Exit From Iraq?* 42 STAN. J. INT'L L. 291 (2006); *The Gold Train Case: Successfully Suing the United States on Behalf of a Class of Holocaust-Era Victims*, 27 CLASS ACTION REP. 136 (2006); *Cancellation and Termination Without Forfeiture*, 54 MERCER L. REV. 1031 (2003). Member: District of Columbia Bar Association.

**David W. Stanley**, born St. Louis, Missouri, May 30, 1944. Admitted to the District of Columbia Bar, 1973; Virginia State Bar, 1972. Admitted to practice before the United States Supreme Court, 1980; United States Court of Appeals for the District of Columbia Circuit, 1978; United States District Court for the District of Columbia, 1974. Education: University of Virginia (B.A., 1966); University of Virginia School of Law (J.D., 1972). Experience: Law clerk to Honorable Gerard D. Reilly, Chief Judge, District of Columbia Court of Appeals (1972-1973). Assistant U.S. Attorney, U.S. Attorney's Office for the District of Columbia, 1973-1984 (Fraud Division, 1981-1984); Assistant Chief Trial Attorney, Division of Enforcement, U.S. Securities and Exchange Commission (1984-1987); Of Counsel, Swidler & Berlin, Chartered (1987-1992). Member: District of Columbia Bar Association (Corporation, Finance and Securities Law Section; Litigation Section); Assistant U.S. Attorneys Association (President, 1994-1995); Association of Securities and Exchange Commission Alumni; The Barristers.

**Bradford E. Kile.** Admitted to the District of Columbia Bar. Admitted to practice before the United States Supreme Court, United States Court of Appeals for the Federal, Fourth, and DC Circuits, United States District Court for the District of Columbia and Eastern District of Virginia. Registered to practice before the United States Patent and Trademark Office – Reg. No. 25,223. Education: The Ohio State University (B. Mech. Engr., 1966); The George Washington University (J.D., 1970; LL.M. 1978). Publications: *Legal ‘X-Games’ Risk: Officer and Director Passive Retention of Personal Liability for Patent Infringement*, 7 IP Litigator 11 (2001); “Lotus v. Borland-Copyright Protection of Computer Software in a State of Transition,” Copyright World, 1995. Member: American Bar Association; Fellow of the Inn – Giles S. Rich American Inn of Court; American Intellectual Property Law Association; Federal Circuit Historical Society.

# **EXHIBIT 2**





Firm Resume

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120 South Sixth Street  
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## Firm Overview

Gustafson Gluek PLLC is a 21-attorney law firm with a national practice specializing in complex litigation. The firm has offices in Minneapolis, Minnesota and San Diego, California. Gustafson Gluek attorneys seek to vindicate the rights of, and recover damages for, those harmed by unfair business practices, such as illegal price fixing, deceptive trade practices, and the distribution of unsafe medical devices, as well as enjoin companies from engaging in these types of practices in the future.

Founded in 2003, Gustafson Gluek's attorneys have consistently been recognized by their clients, peers, and courts across the country as leaders in their fields. They have been chosen to lead some of the largest and most complex multi-district litigations. Attorneys at Gustafson Gluek have received national and state-wide awards and honors and are routinely called upon by other leading firms to assist in taking on some of the largest companies and defense firms in the world. Gustafson Gluek was named number six in the Top 25 Lead Counsel in antitrust complaints filed from 2009 – 2021 in the 2021 Antitrust Annual Report produced by the University of San Francisco Law School and The Huntington National Bank. Gustafson Gluek was also listed as number seventeen in the list of firms with the highest number of antitrust settlements.

Gustafson Gluek strongly believes in giving back to the community and promoting diversity in the legal profession. Its attorneys have held leadership positions and actively participate in numerous national, state and affinity legal organizations, including the Federal Bar Association, Minnesota State Bar Association, the Infinity Project, Minnesota Women Lawyers, Minnesota Association of Black Lawyers, the Lavender Bar Association and American Antitrust Institute. Gustafson Gluek was instrumental in founding the Pro Se Project, a collaboration with the Minnesota District Court pairing indigent federal litigants with attorneys and Gustafson Gluek devotes hundreds of hours each year to pro bono service through the Pro Se Project and other organizations.

## Leadership Positions

Gustafson Gluek's attorneys are frequently recognized by their peers and the courts as experienced and capable leaders and, as such, have been appointed to lead numerous complex litigations including the following:

***Hogan v. Amazon, Inc. (N.D. Ill.)***

*Co-Lead Counsel*

***In re 3M Combat Arms Earplug Litig. (Minn.)***

*Co-Lead Counsel*

***In re Broiler Chicken Antitrust Litig. (N.D. Ill.)***

*Co-Lead Counsel for Commercial and Institutional Indirect Purchaser Plaintiffs*

***In re CenturyLink Residential Customer Billing Disputes Litig. (D. Minn.)***

*Executive Committee Chair*

***In re Crop Inputs Antitrust Litig. (E.D. Mo.)***

*Co-Lead Counsel*

***In re Dealer Management Systems Antitrust Litig. (N.D. Ill.)***

*Plaintiffs' Steering Committee*

***In Re: Deere & Company Repair Services Antitrust Litig. (N.D. Ill.)***

*Co-Lead Counsel*

***In re DPP Beef Litig. (D. Minn.)***

*Co-Lead Counsel*

***In re DRAM Antitrust Litig. (N.D. Cal. and multiple state court actions)***

*Co-Lead Counsel for Indirect Purchasers*

***In re Flash Memory Antitrust Litig. (N.D. Cal.)***

*Plaintiffs' Steering Committee*

***In re Google Digital Publisher Antitrust Litig. (N.D. Cal.)***

*Plaintiffs' Leadership Committee*

***In re Interior Molded Doors Indirect Purchaser Antitrust Litig. (E.D. Va.)***

Co-Lead Counsel

***In re Medtronic, Inc. Implantable Defibrillators Products Liability Litig. (D. Minn.)***

Co-Lead Counsel

***In re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litig. (D. Minn.)***

Lead Counsel

***In re Net Gain Data Breach Litig. (D. Minn.)***

Executive Committee

***In re Pork Antitrust Litig. (D. Minn.)***

Co-Lead Counsel for Consumer Indirect Purchaser Plaintiffs

***In re Syngenta Litig. (Minn.)***

Co-Lead Class Counsel

***In re Vitamin C Antitrust Litig. (E.D.N.Y.)***

Co-Lead Counsel for Indirect Purchasers

***Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd. (E.D.N.Y.)***

Co-Lead Counsel

***Powell Prescription Center v. Surescripts, LLC (N.D. Ill.)***

Lead Counsel Committee

***St. Barnabas Hospital, Inc. et al. v. Lundbeck, Inc. et al. (D. Minn.)***

Interim Class Counsel

***Vikram Bhatia, D.D.S., et al., v. 3M Company (D. Minn.)***

Co-Lead Counsel

## Case Outcomes

Gustafson Gluek has recovered billions of dollars on behalf of its clients since founding in 2003. Gustafson Gluek has helped vindicate the rights of, and recover damages for, those harmed by unfair business practices such as illegal price fixing, deceptive trade practices, and the distribution of unsafe or defective devices, as well as enjoin companies from engaging in these types of practices in the future. A list of representative cases the Firm previously litigated and the outcomes of those cases is set forth below.

### ANTITRUST

#### ***In re Automotive Parts Antitrust Litig. (E.D. Mich.)***

Gustafson Gluek was an integral part of the team representing a class of indirect purchases of various automotive components. Plaintiffs alleged that the defendants engaged in a sprawling price fixing conspiracy to artificially increase the price of several different automobile components. Gustafson Gluek helped recover over \$1.2 billion for the class.

#### ***In Re Blue Cross Blue Shield Antitrust Litig. (N.D. Ala.)***

Gustafson Gluek was appointed as members of the Damages and Litigation Committees representing a class of subscribers of Blue Cross Blue Shield Alabama. Plaintiffs alleged antitrust violations by the defendant. The parties reached a settlement that established a \$2.67 billion Settlement Fund. Settling Defendants also agreed to make changes in the way they do business that Plaintiffs believe will increase the opportunities for competition in the market for health insurance.

#### ***In re Capacitors Antitrust Litig. (N.D. Cal.)***

Gustafson Gluek represented a class of indirect purchasers of electrolytic or film capacitors. Plaintiffs alleged that at least fifteen multinational corporations conspired to fix the prices of capacitors that they manufactured and sold worldwide and into the United States. Gustafson Gluek attorneys worked closely

with Lead Counsel throughout the litigation, which eventually recovered \$84.49 million for the class.

***In re Containerboard Antitrust Litig. (N.D. Ill.)***

Gustafson Gluek represented a class of direct purchasers of containerboard products and was a defendant team leader. Plaintiffs alleged that defendant containerboard manufacturers conspired to fix the price of containerboard. As a team leader, Gustafson Gluek handled all aspects of discovery, including the depositions of several senior executives. Gustafson Gluek helped to secure over \$376 million for the class.

***In re Cathode Ray Tube (CRT) Antitrust Litig. (N.D. Cal.)***

Gustafson Gluek represented a class of direct purchasers of CRT screens used for computer monitors and televisions. Plaintiffs alleged that defendants conspired to fix the price of these products in violation of the antitrust laws. Gustafson Gluek had a significant discovery role in the prosecution of this antitrust class action, which resulted in settlements totaling \$225 million for the class.

***In re DRAM Antitrust Litig. (N.D. Cal. and multiple state court actions)***

Gustafson Gluek was appointed Co-Lead Counsel for the indirect purchasers in this nationwide class action against both national and international memory-chip manufacturers. This case dealt with the conspiracy surrounding the pricing of the memory chips commonly known as Dynamic Random Access Memory (or DRAM). DRAM is used in thousands of devices on a daily basis, and Gustafson Gluek was integral in achieving a settlement of \$310 million for the class.

***In re Domestic Drywall Antitrust Litig. (E.D. Pa.)***

Gustafson Gluek represented a class of direct purchasers of drywall in this antitrust case. Plaintiffs alleged that the defendant manufacturers conspired to artificially increase the price of drywall. Gustafson Gluek played an active role in the litigation. A class was certified, and Gustafson Gluek helped recover over \$190 million for the class.

***In re Lithium Ion Batteries Antitrust Litig. (N.D. Cal.)***

Gustafson Gluek represented a class of direct purchasers of lithium ion batteries in a multidistrict class action. Plaintiffs alleged collusive activity by the world's largest manufacturers of lithium ion batteries, which are used in everything from cellular phones to cameras, laptops and tablet computers. Gustafson Gluek had a significant discovery role in the prosecution of this antitrust class and helped recover over \$139 million for the class.

***In re Interior Molded Doors Indirect Purchaser Antitrust Litig. (E.D. Va.)***

Gustafson Gluek served as Co-Lead Counsel with two other firms representing a class of indirect purchasers of interior molded doors. Plaintiffs alleged that two of the country's largest interior molded door manufacturers conspired to inflate prices in the market. Defendants settled with the class for \$19.5 million.

***Precision Associates, Inc., et al. v. Panalpina World Transport (Holding) Ltd., et al. (E.D.N.Y.)***

Gustafson Gluek was Co-Lead Counsel representing a class of direct purchasers of freight forwarding services in this international case against 68 defendants. Plaintiffs alleged that defendants engaged in an international conspiracy to fix, inflate, and maintain various charges and surcharges for freight forwarding services in violation of U.S. antitrust laws. Gustafson Gluek worked to secure over \$450 million for the class.

***In re Resistors Antitrust Litig. (N.D. Cal.)***

Gustafson Gluek worked closely with Lead Counsel representing indirect purchasers of linear resistors. Plaintiffs alleged that the defendant manufacturers conspired to increase the price of linear resistors, thereby causing indirect purchasers to pay more. After engaging in extensive discovery, Plaintiffs recovered a total of \$33.4 million in settlements for the indirect purchaser class.



***In re TFT-LCD (Flat Panel) Antitrust Litig. (N.D. Cal.)***

Gustafson Gluek served an integral role handling complex discovery issues in this antitrust action representing individuals and entities that purchased LCD panels at supracompetitive prices. Gustafson Gluek attorneys worked on a range of domestic and foreign discovery matters in prosecuting this case. The total settlement amount with all of the defendants was over \$1.1 billion.

***The Shane Group, Inc., et al. v. Blue Cross Blue Shield of Michigan (E.D. Mich.)***

Gustafson Gluek was appointed interim Co-Lead Counsel representing a class of purchasers of hospital healthcare services. Plaintiffs alleged that defendant Blue Cross Blue Shield of Michigan used its market position to negotiate contracts with hospitals that impeded competition and increased prices for patients. Gustafson Gluek worked to secure \$30 million on behalf of the class.

## **CONSUMER PROTECTION**

***Baldwin et al. v. Miracle Ear et al. (D. Minn.)***

Gustafson Gluek represented consumers who received unwanted telemarketing calls from HearingPro for sale of Miracle Ear brand hearing aid products in violation of the Telephone Consumer Protection Act. Gustafson Gluek played an important role in recovering an \$8 million settlement for the class.

***Syngenta Corn Seed Litig. (Minn. & D. Kan.)***

Gustafson Gluek was appointed Co-Lead Counsel for the class of Minnesota corn farmers suing Syngenta for negligently marketing its Agrisure/Viptera corn seed before it had been approved in all of the major corn markets. Gustafson Gluek was an integral part of the litigation team in Minnesota, participating in all facets of discovery, motion practice and expert work. Dan Gustafson was one of the lead trial counsel and was also appointed as part of the settlement team. Ultimately, these cases settled for \$1.51 billion on behalf of all corn farmers in America.

***In re Centurylink Sales Practices and Securities Litig. (D. Minn.)***

Gustafson Gluek was Chair of the Executive Committee and represented a class of current and former CenturyLink customers who paid too much for their phone, internet or television services due to CenturyLink's unlawful conduct. Plaintiffs alleged that CenturyLink engaged in deceptive marketing, sales, and billing practices across the dozens of states. Ultimately, Plaintiffs recovered \$18.5 million in settlements for the class.

***Yarrington, et al. v. Solvay Pharmaceuticals, Inc. (D. Minn.)***

Gustafson Gluek represented a class of individuals alleging unfair competition and false and deceptive advertising claims against Solvay Pharmaceuticals in the marketing of Estratest and Estratest HS, prescription hormone therapy drugs. Gustafson Gluek helped recover \$16.5 million for the class.

## **DATA BREACH**

***In re Equifax Inc. Customer Data Security Breach Litig. (N.D. Ga.)***

Gustafson Gluek represented a class of individuals whose personal information was impacted as the result of the Equifax's deficient data security practices. Plaintiffs reached a settlement where Equifax agreed to pay \$380 million towards the fund for class benefits and an additional \$125 million for out-of-pocket losses in addition to credit monitoring and identity restoration services.

***Landwehr v. AOL Inc. (E.D. Va.)***

Gustafson Gluek served as class counsel in this lawsuit, alleging that AOL made available for download its members' search history data, which violated these AOL members' right to privacy under the Federal Electronic Communications Privacy Act. Plaintiffs reached a settlement with AOL that made \$5 million available to pay the claims of class members whose search data was made available for download by AOL.

***The Home Depot, Inc., Customer Data Security Breach Litig. (N.D. Ga.)***

Gustafson Gluek represented credit unions and a class of financial institutions whose card members' payment data was compromised as the result of Home Depot's deficient data security practices. These financial institutions lost time and money responding to the data breach. Plaintiffs reached a settlement agreement with Home Depot for \$27.25 million for the class members.

***Greater Chautauqua Federal Credit Union v. Kmart Corporation (N.D. Ill.)***

Gustafson Gluek served on the court-appointed Plaintiffs' Steering Committee representing a class of financial institutions whose card members' payment data was compromised as a result of Kmart's deficient data security practices. These financial institutions lost time and money responding to the data breach. Plaintiffs reached a \$5.2 million settlement with K-Mart for the class.

***Experian Data Breach Litig. (C.D. Cal.)***

Gustafson Gluek represented a class of consumers whose personally identifiable information, including Social Security numbers and other highly-sensitive personal data, was compromised as the result of Experian's deficient data security practices. Many of these consumers lost time and money responding to the data breach, and they face an ongoing risk of identity theft, identity fraud, or other harm. Plaintiffs reached a \$22 million settlement and as a part of the settlement, defendants also agreed and have begun undertaking certain remedial measures and enhanced security measures, which they will continue to implement, valued at over \$11.7 million.

## SECURITIES

### ***St. Paul Travelers Securities Litig. I and II (D. Minn.)***

Gustafson Gluek served as liaison counsel in both of the St. Paul Travelers Securities Litigations. At issue in the cases were public statements as well as material omissions St. Paul Travelers made that negatively impacted the stock prices of the Company. On behalf of New Mexico State Funds, Gustafson Gluek worked to litigate the two separate class actions against St. Paul Travelers, resulting in multi-million-dollar settlements.

### ***Smith v. Questar Capital Corp., et al. (D. Minn.)***

Gustafson Gluek represented a class of investors who were defrauded in a Ponzi scheme by a brokerage firm that sold bonds to sustain an entity that had collapsed into bankruptcy. Gustafson Gluek helped recover \$3 million for the class of 125 investors.

## PRODUCT LIABILITY

### ***Bhatia v. 3M Co. (D. Minn.)***

Gustafson Gluek represented a class of dentists who bought 3M Lava Ultimate Restorative material for use in dental crowns. Gustafson Gluek was appointed as Co-Lead Counsel for Plaintiffs, who alleged that the 3M Lava material failed at an unprecedented rate, leading to substantial loss of time and money for the dentists and injury to the patients. Gustafson Gluek helped secure a settlement of approximately \$32.5 million for all of the dentists who had suffered damages from the failure of this product.

### ***Medtronic, Inc., Sprint Fidelis Leads Products Liability Litig. (D. Minn.)***

Gustafson Gluek was Lead Counsel representing Plaintiffs, who had Medtronic's Sprint Fidelis Leads implanted in them. Plaintiffs alleged that Medtronic's Sprint Fidelis Leads contained serious defects that cause the leads to fracture, resulting in unnecessary shocks. Ultimately, these cases settled for over \$200 million on

behalf of thousands of injured claimants who participated in the settlement. The settlement included a seven-year claim period in which individuals who were registered to participate in the settlement could make a claim if their device failed or was removed within that time period for reasons related to the alleged defect.

***Medtronic, Inc. Implantable Defibrillators Products Liability Litig. (D. Minn.)***

Gustafson Gluek was appointed Co-Lead Counsel in this MDL representing individuals, who were implanted with certain implantable defibrillators manufactured by Medtronic, Inc. Plaintiffs alleged that these certain Medtronic's implantable cardioverter defibrillators (ICDs), and cardiac resynchronization therapy defibrillators (CRT-Ds) contained serious battery defects, which resulted in a recall of the products at issue. Plaintiffs alleged that Medtronic, Inc. knew about this defect, intentionally withheld important information from the FDA and the public and continued to sell the devices for implantation into patients facing life-threatening heart conditions. Gustafson Gluek, in its role as Co-Lead Counsel, helped secure a settlement of approximately \$100 million dollars for claimants who participated in the settlement.

## **INTELLECTUAL PROPERTY & PATENT MISUSE**

***Augmentin Litig. (E.D. Va.)***

Gustafson Gluek represented a class of direct purchasers of the pharmaceutical drug, Augmentin. Plaintiffs alleged that defendant GlaxoSmithKline violated the antitrust laws by unlawfully maintaining its monopoly over Augmentin and preventing the entry of generic equivalents. Gustafson Gluek helped recover \$62.5 million for the class.

***Dryer, et al., v. National Football League (D. Minn.)***

The U.S. District Court for the District of Minnesota appointed Gustafson Gluek Lead Settlement Counsel in *Dryer v. NFL*. In that capacity, Gustafson Gluek

represented a class of retired NFL players in protecting their rights to the use of their likenesses in marketing and advertising. Gustafson Gluek helped secure a settlement with the NFL that created unprecedented avenues of revenue generation for the class.

***In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litig. (E.D.N.Y.)***

Gustafson Gluek represented a proposed class of End-Payor Plaintiffs in this antitrust class action. Plaintiffs alleged that defendant Allergan engaged in a multifaceted conspiracy to delay generic competition for its brand-name drug Restasis. Gustafson Gluek helped recover \$30 million for the class.

***Spine Solutions, Inc., et al. v. Medtronic Sofamore Danek, Inc., et al. (W.D. Tenn.)***

Gustafson Gluek was one of the counsel representing the plaintiff, Spine Solutions, Inc. and Synthes Spine So., L.P.P., in a patent litigation against Medtronic Sofamor Danek, Inc. and Medtronic Sofamor Donek, USA. The patent at issue in that case involved technology relating to spinal disc implants. This case went to trial in November 2008 and a jury verdict was returned in favor of our clients. The jury found willful infringements and awarded both lost profits and reasonable royalty damages to our clients.

***In re Wellbutrin SR Antitrust Litigation (E.D. Pa.)***

Gustafson Gluek played an integral role in this pharmaceutical class action. The firm represented direct purchasers of Wellbutrin SR, who alleged that defendant GlaxoSmithKline defrauded the U.S. Patent and Trademark Office and filed sham lawsuits against its competitors, which delayed the availability of the generic version of Wellbutrin SR to consumers. As a result of this delay, Plaintiffs alleged that they paid more for Wellbutrin SR than they would have if the generic version had been available to them. Gustafson Gluek was actively involved in the investigation, discovery, motion practice, and trial preparation for this case and served an essential role in the mediation that resulted in a \$49 million settlement to the direct purchasers.

## **APPELLATE ADVOCACY**

Gustafson Gluek has experienced, seasoned appellate advocates who can assist in getting the right result. Because Gustafson Gluek attorneys have tried complex cases to jury and bench verdicts, they understand how important the trial court is to a successful appeal.

Gustafson Gluek's appellate attorneys draw from many years of experience practicing before courts at every level of the state and federal system. They have successfully briefed and argued a variety of complex class and non-class cases and been called upon by peers to assist in the appellate process for their clients as well. In addition, they have frequently written briefs and appeared as amicus curiae (friend of the court) on behalf of several professional organizations.

Gustafson Gluek appellate attorneys are admitted to practice in the following appellate courts:

- First Circuit Court of Appeals
- Third Circuit Court of Appeals
- Fifth Circuit Court of Appeals
- Eighth Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- Eleventh Circuit Court of Appeals
- Minnesota State Court of Appeals
- Minnesota Supreme Court
- United States Supreme Court

The following is a representative list of cases in which Gustafson Gluek attorneys argued before the Eighth Circuit include:

- *Bryant, et al. v. Medtronic, Inc., et al.*
- *Dryer, et al. v. National Football League*
- *Graves v. 3M Company*
- *Haddock v. LG Electronics USA, Inc.*
- *Rick, et al. v. Wyeth, Inc., et al.*
- *Karsjens, et al. v. Piper, et al.*
- *LaBrier v. State Farm Fire and Casualty Co.*
- *MN Senior Foundation, et al. v. United States, et al.*
- *Larson v. Ferrellgas Partners*
- *Smith v. Fairview Ridges Hospital*
- *Song v. Champion Pet Foods USA, Inc.*
- *Beaulieu v. State of Minnesota*



## Practice Areas and Current Cases

### ANTITRUST

Gustafson Gluek PLLC is devoted to the prosecution of antitrust violations. Gustafson Gluek attorneys have litigated antitrust cases in federal and state courts across the United States.

Federal and state antitrust laws are designed to protect and promote competition among businesses by prohibiting price fixing and other forms of anticompetitive conduct. Violations can range from straight forward agreements among competitors to raise prices above competitive prices to complicated schemes that affect relationships between different levels of a market.

Ongoing prosecution of these illegal schemes helps protect the average consumer from being forced to pay more than they should for everyday goods. Below are some representative antitrust cases that Gustafson Gluek is currently involved in:

#### ***In re Broiler Chicken Antitrust Litigation (N.D. Ill.)***

Gustafson Gluek is part of the Co-Lead counsel team for class of commercial indirect purchasers such as restaurants. The case alleges chicken suppliers colluded to artificially restrict the supply and raise the price of chicken in the United States. As part of the Co-Lead counsel team, Gustafson Gluek helped defeat defendants' motion to dismiss and recently succeeded in getting the class certified. To date we have helped recover over \$100 million in settlements from seven defendants. This case is on-going.

#### ***In re Crop Inputs Antitrust Litig. (E.D. Mo.)***

Gustafson Gluek is Co-Lead counsel representing a class of farmers alleging that manufacturers, wholesalers and retailers conspired to artificially increase and fix the price of crop inputs (e.g., seeds, fertilizers, pesticides) used by farmers.

***In re Deere & Company Repair Services Antitrust Litig. (N.D. Ill.)***

Gustafson Gluek has been appointed as Co-Lead counsel on behalf of a proposed class of farmers who purchased repair services from John Deere. Plaintiff alleges Deere monopolized the market for repair and diagnostic services for its agricultural equipment in order to inflate the price of these services.

***In re Dealer Management Systems Antitrust Litig. (N.D. Ill.)***

Gustafson Gluek has been appointed as a member of the Steering Committee representing a class of car dealerships. Plaintiffs allege that defendants unlawfully entered into an agreement that reduced competition and increased prices in the market for Dealer Management Systems ("DMS") and data integration services related to DMS. Plaintiffs have reached a settlement with one defendant but continue to litigate against the remaining defendants.

***In re Disposable Contact Lens Antitrust Litig. (M.D. Fla.)***

Gustafson Gluek represents a class of individuals who purchased contact lenses made by Alcon, CooperVision, Bausch + Lomb, and Johnson & Johnson. Plaintiffs allege that these manufacturers unlawfully conspired to impose minimum resale price agreements on retailers, which restricts retailers' ability to lower prices to consumers. The class was certified, and Gustafson Gluek attorneys were members of the trial team. Ultimately the case settled with all the defendants and that settlement received final approval from the Court.

***In re Domestic Airline Travel Antitrust Litig. (D.D.C.)***

Gustafson Gluek is part of a team representing passengers of the airlines alleging antitrust violation against various airlines. The court denied defendants' motion to dismiss. Discovery has concluded and summary judgement motions have been submitted. There have been settlements with two of the defendants in this litigation to date.

***In re DPP Beef Litig. (D. Minn.)***

Gustafson Gluek has been appointed Co-Lead Counsel for a proposed class of direct purchasers of beef. Plaintiffs allege that Cargill JBS, Tyson and National Beef Packing Company conspired to fix and maintain the price of beef in violation of the federal antitrust laws resulting in supracompetitive prices for beef. This litigation is ongoing, but plaintiffs have reached a \$52.5 million settlement with one defendant.

***In re Generic Pharmaceuticals Pricing Antitrust Litig. (E.D. Pa.)***

Gustafson Gluek represents a class of Direct Purchaser Plaintiffs and is part of a team of law firms alleging anti-competitive conduct by more than twenty generic drug manufacturers with respect to more than 100 generic drugs, including drugs used to treat common and serious health conditions such as diabetes and high blood pressure. Cases have been brought on behalf of several distinct groups of plaintiffs, including Direct Purchaser Plaintiffs, Indirect Purchaser Plaintiffs, multiple individual plaintiffs, and the State AGs. There are currently more than a dozen separate cases related to various drugs, which have been organized into three groups for the purposes of case management. The court has denied the motion to dismiss, and discovery is ongoing.

***In re Google Digital Publisher Antitrust Litig. (N.D. Cal.)***

Gustafson Gluek has been appointed to the Leadership Committee representing a class of publishers who sold digital advertising space via Google. Plaintiffs allege that Google's anticompetitive monopolistic practices led to digital publishers being paid less for their advertising space than they otherwise would have been paid in a competitive market.

## CONSUMER PROTECTION

Gustafson Gluek PLLC has led class action lawsuits on behalf of consumers alleging consumer protection violations or deceptive trade practices. These cases involve claims related to the false marketing of life insurance, defective hardware in consumer computers, misleading air compressor labeling, and rental car overcharges. Below are some representative cases involving consumer protection claims that Gustafson Gluek is currently litigating:

### ***Champion PetFoods Litig. (multi-state actions)***

Gustafson Gluek represents consumers who purchased Orijen and/or Acana labels of Champion PetFoods' dog food. Plaintiffs have brought cases in several states, including Illinois, Washington, and Iowa alleging that Champion PetFoods makes misrepresentations and omissions on their packaging of these dog foods.

### ***In re Plum Baby Food Litig. (N.D. Cal.)***

Gustafson Gluek represents proposed nationwide classes of consumers that purchased Plum Organics baby food products. Plaintiffs allege that these baby foods were deceptively labeled, marketed, and sold because they contain undisclosed level of heavy metals and contaminants including lead, cadmium, mercury, arsenic, and perchlorate.

### ***In re: Nurture Baby Food Litig. (S.D.N.Y.)***

Gustafson Gluek represents proposed nationwide classes of consumers that purchased HappyBaby or HappyTots baby food products. Plaintiffs allege that these baby foods were deceptively labeled, marketed, and sold because they contain undisclosed level of heavy metals and contaminants including lead, cadmium, mercury, arsenic, and perchlorate.

***Broadway v. Kia America, Inc. (D. Minn.)***

Gustafson Gluek represents proposed nationwide classes of people who purchased certain models of Kia and Hyundai automobiles that lack an engine immobilizer which makes those vehicles unsafe and prone to theft.

***Salter, et al. v. PHH Mortgage Corp. (S.D. Fl.)***

Gustafson Gluek represents a proposed nationwide class of homeowners who were charged impermissible and improperly documented mortgage payoff fees.

***Gisairo, et al. v. Lenovo (United States) Inc. (D. Minn.)***

Gustafson Gluek represents proposed classes of consumers who purchased various Lenovo laptop computers. These computers suffer from a common hinge failure that renders the products partially or completely useless.

***Thelen, et al, v HP Inc. (D. Del.)***

Gustafson Gluek represents proposed classes of consumer who purchased various HP laptop computers. These computers suffer from a common hinge defect that renders the products partially or completely useless.

***Kevin Brnich Electric LLC, et al. v. Siemens Industry, Inc. (N.D. Ga.)***

Gustafson Gluek represents a proposed classes of electricians and consumers who purchased Siemens Ground Fault Circuit Interrupter products. These products are prone to premature nuisance faulting.

## CONSTITUTIONAL LITIGATION

Gustafson Gluek is devoted to the protection of the constitutional liberties of all individuals. The Firm has litigated several cases at the federal court level on matters involving civil commitment, police brutality, prisoner mistreatment and government misuse of private property. Below are some representative cases involving constitutional claims that Gustafson Gluek is currently litigating or has recently litigated:

### ***Doe v. Hanson et al. (Minn.)***

Gustafson Gluek represents a former juvenile resident of Minnesota Correctional Facility – Red Wing who alleges he was sexually assaulted by a staff member over the course of several years. Despite alleged knowledge of the risk of the abuse to the juvenile, the Correctional Facility did nothing to protect the juvenile. A settlement was reached in 2021, which included significant financial compensation for the victim, required additional training for the MCF-Red Wing staff, and 3 policy changes at MCF-Red Wing.

### ***Carr v. City of Robbinsdale (Minn.)***

Gustafson Gluek represented an individual whose car was seized by the Robbinsdale police. The client was a passenger in her car, when the driver was pulled over and arrested for driving under the influence. The officer seized the car pursuant to Minnesota's civil forfeiture statute. Gustafson Gluek filed a complaint challenging the constitutionality of the Minnesota civil forfeiture laws. However, prior to any meaningful litigation, the parties were able to settle the case.

### ***Khottavongsa v. City of Brooklyn Center (D. Minn.)***

Gustafson Gluek represented the family of a man killed by Brooklyn Center police in 2015. Gustafson Gluek brought section 1983 claims, alleging the officers used excessive force and ignored his medical needs, and that the City of Brooklyn Center failed to train and supervise the officers. Defendant's motion for summary judgment was largely defeated. The case settled prior to trial.

***Hall v. State of Minnesota (Minn.)***

Gustafson Gluek successfully litigated a case against the State of Minnesota regarding the State's Unclaimed Property Act. On behalf of plaintiffs, the Firm achieved a ruling that a portion of the State's Unclaimed Property Act was unconstitutional and, as a result, the statute was changed, and property returned to individuals.

***Karsjens, et al. v. Jesson, et al. (D. Minn.)***

Gustafson Gluek represents a class of Minnesota's civilly committed sex offenders on a pro bono basis through the Federal Bar Association's Pro Se Project. Gustafson Gluek has been litigating this case since 2012, alleging that Minnesota's civil commitment of sex offenders is unconstitutional and denies the due process rights of the class. After a six-week trial in February and March of 2015, Minnesota District Court Judge Donovan Frank found in favor of the class, ruling that the Minnesota Sex Offender Program (MSOP) is unconstitutional, and ordering that extensive changes be made to the program. That order was reversed on appeal. Gustafson Gluek continues to vigorously advocate for the class on the remaining claims and pursue a resolution that will provide constitutional protections to those civilly committed to the MSOP.

***Jihad v. Fabian (D. Minn.)***

Gustafson Gluek represented an individual bringing suit against the State of Minnesota, the Department of Corrections and others alleging violations of his religious rights relating to his incarcerations in the Minnesota Corrections Facility in Stillwater. Gustafson Gluek was able to secure a settlement for the plaintiff which involved a change in the Department of Corrections policy to provide plaintiff with halal-certified meals at the correction facilities.

***Samaha, et al. v. City of Minneapolis, et al. (D. Minn.)***

Gustafson Gluek is representing several peaceful protestors who were subject to excessive force at the George Floyd protests in May 2020. While peacefully protesting, the plaintiffs were subjected to tear gas, pepper spray and other

violence. The case is a class action seeking declaratory and injunctive relief, including a judgment that the City of Minneapolis has a custom, policy and practice of encouraging and allowing excessive force. The case is on-going.

***Wolk v. City of Brooklyn Center, et al. (D. Minn.)***

Gustafson Gluek is representing a peaceful protestor who was subject to excessive force at the Daunte Wright protests in April 2021. While peacefully protesting, the plaintiff was subjected to tear gas, pepper spray, and was shot by a rubber bullet. The case is on-going and seeks both damages and injunctive relief to change the policies of the law enforcement agencies that were involved.

## **DATA BREACH**

***In re Equifax Inc. Customer Data Security Breach Litig. (N.D. Ga.)***

Gustafson Gluek represented a class of individuals whose personal information was impacted as the result of the Equifax's deficient data security practices. Plaintiffs reached a settlement where Equifax agreed to pay \$380 million towards the fund for class benefits and an additional \$125 million for out-of-pocket losses in addition to credit monitoring and identity restoration services.

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Gustafson Gluek served as class counsel in this lawsuit, alleging that AOL made available for download its members' search history data, which violated these AOL members' right to privacy under the Federal Electronic Communications Privacy Act. Plaintiffs reached a settlement with AOL that made \$5 million available to pay the claims of class members whose search data was made available for download by AOL.



***The Home Depot, Inc., Customer Data Security Breach Litig. (N.D. Ga.)***

Gustafson Gluek represented credit unions and a class of financial institutions whose card members' payment data was compromised as the result of Home Depot's deficient data security practices. These financial institutions lost time and money responding to the data breach. Plaintiffs reached a settlement agreement with Home Depot for \$27.25 million for the class members.

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Gustafson Gluek served on the court-appointed Plaintiffs' Steering Committee representing a class of financial institutions whose card members' payment data was compromised as a result of Kmart's deficient data security practices. These financial institutions lost time and money responding to the data breach. Plaintiffs reached a \$5.2 million settlement with K-Mart for the class.

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## SECURITIES

### ***St. Paul Travelers Securities Litig. I and II (D. Minn.)***

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### ***Smith v. Questar Capital Corp., et al. (D. Minn.)***

Gustafson Gluek represented a class of investors who were defrauded in a Ponzi scheme by a brokerage firm that sold bonds to sustain an entity that had collapsed into bankruptcy. Gustafson Gluek helped recover \$3 million for the class of 125 investors.

## PRODUCT LIABILITY

Sometimes, consumers are injured by the products they purchase. Products liability is an area of law that seeks to hold manufacturers of products that have injured individuals responsible for the injuries their defective products caused.

These defective products range from medical devices to vehicles to diapers and many others. Gustafson Gluek PLLC represents consumers against the manufacturers of these defective products and has been able to achieve sizable recoveries on behalf of injured individuals. Below are some representative product liability cases that Gustafson Gluek is currently litigating:

### **3M Co. Earplug Litig. (N.D. FL / D. Minn. / Minn. State Court)**

Gustafson Gluek represents civilians who purchased and used the 3M/Aero manufactured dual-sided earplugs for use in both job and recreational endeavors and who have since experienced hearing loss and tinnitus. Plaintiffs allege that the defendant failed to properly instruct plaintiffs on how to use these devices. Thus far, Plaintiffs in the Minnesota Litigation have successfully argued for the right to assert punitive damages and look forward to proving their assertions in an upcoming bellwether trial.

### ***In re FCA US LLC Monostable Electronic Gearshift Litig. (E.D. Mich.)***

Gustafson Gluek serves on the Plaintiffs' Steering Committee and represents individuals who owned or leased 2012-2014 Dodge Chargers, 2014-2015 Chrysler 300s, and 2014-2015 Jeep Grand Cherokees. Plaintiffs allege that these vehicles contain defective gearshifts, which allow vehicles to roll away out of the park position. Issue classes have been conditionally certified.

### ***Krautkramer et al., v. Yamaha Motor Corporation, U.S.A. (D. Minn.)***

Gustafson Gluek represents a proposed class of individuals who own or lease a range of Yamaha off-road vehicles. Plaintiffs allege that these vehicles are subject to overheating and engine failure due to a defect in the vehicle engines.

***Mackie et al v. American Honda Motor Co., Inc. et al. (D. Minn.)***

Gustafson Gluek represents a proposed class of consumers who purchased or leased 2019-2021 Honda CR-V and Civic vehicles and 2018-2021 Accord vehicles equipped with “Earth Dreams” 1.5L direct injection engines. Plaintiffs allege that these vehicles contain an engine defect which causes fuel contamination of the engine oil resulting in oil dilution, decreased oil viscosity, premature wear and ultimate failure of the engines, engine bearings, and other internal engine components, and an increased cost of maintenance.

***Reynolds, et al., v. FCA US, LLC (E.D. Mich.)***

Gustafson Gluek represents a proposed class of individuals who owned or leased 2018-2020 Jeep Wrangler and 2020 Jeep Gladiator vehicles. Plaintiffs allege that these vehicles contain a defective front axle suspension system that causes the steering wheel to shake violently while operating at highway speeds.

***Rice v. Electrolux Home Prod., Inc. (M.D. Pa.); Gorczynski v. Electrolux Home Products, Inc. (D.N.J.)***

Gustafson Gluek represents classes of individuals who own an Electrolux microwave with stainless-steel handles. Plaintiffs in these cases allege that these certain microwaves, which were sold to be placed over a cooktop surface, have stainless steel handles that can heat to unsafe temperatures when the cooktop below is in use.

***Woronko v. General Motors, LLC (E.D. Mich.)***

Gustafson Gluek represents a proposed class of individuals who owned or leased 2015-2016 Chevrolet Colorado and GMC Canyon vehicles. Plaintiffs allege that these vehicles are equipped with a defective electrical connection that causes the vehicles to lose power steering while driving under a variety of conditions. This case is in the initial pleading stage.

## **INTELLECTUAL PROPERTY & PATENT MISUSE**

### ***Augmentin Litig. (E.D. Va.)***

Gustafson Gluek represented a class of direct purchasers of the pharmaceutical drug, Augmentin. Plaintiffs alleged that defendant GlaxoSmithKline violated the antitrust laws by unlawfully maintaining its monopoly over Augmentin and preventing the entry of generic equivalents. Gustafson Gluek helped recover \$62.5 million for the class.

### ***Dryer, et al., v. National Football League (D. Minn.)***

The U.S. District Court for the District of Minnesota appointed Gustafson Gluek Lead Settlement Counsel in *Dryer v. NFL*. In that capacity, Gustafson Gluek represented a class of retired NFL players in protecting their rights to the use of their likenesses in marketing and advertising. Gustafson Gluek helped secure a settlement with the NFL that created unprecedented avenues of revenue generation for the class.

### ***In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litig. (E.D.N.Y.)***

Gustafson Gluek represented a proposed class of End-Payor Plaintiffs in this antitrust class action. Plaintiffs alleged that defendant Allergan engaged in a multifaceted conspiracy to delay generic competition for its brand-name drug Restasis. Gustafson Gluek helped recover \$30 million for the class.

### ***Spine Solutions, Inc., et al. v. Medtronic Sofamore Danek, Inc., et al. (W.D. Tenn.)***

Gustafson Gluek was one of the counsel representing the plaintiff, Spine Solutions, Inc. and Synthes Spine So., L.P.P., in a patent litigation against Medtronic Sofamor Danek, Inc. and Medtronic Sofamor Donek, USA. The patent at issue in that case involved technology relating to spinal disc implants. This case went to trial in November 2008 and a jury verdict was returned in favor of our clients. The jury found willful infringements and awarded both lost profits and reasonable royalty damages to our clients.

***In re Wellbutrin SR Antitrust Litigation (E.D. Pa.)***

Gustafson Gluek played an integral role in this pharmaceutical class action. The firm represented direct purchasers of Wellbutrin SR, who alleged that defendant GlaxoSmithKline defrauded the U.S. Patent and Trademark Office and filed sham lawsuits against its competitors, which delayed the availability of the generic version of Wellbutrin SR to consumers. As a result of this delay, Plaintiffs alleged that they paid more for Wellbutrin SR than they would have if the generic version had been available to them. Gustafson Gluek was actively involved in the investigation, discovery, motion practice, and trial preparation for this case and served an essential role in the mediation that resulted in a \$49 million settlement to the direct purchasers.

## Pro Bono & Community

Gustafson Gluek recognizes that those who provide legal services are in a unique position to assist others. The Firm and its members strongly believe in giving back to the community by providing legal services to those in need. The law can make an immense difference in an individual's life; however, effectively navigating the legal system is not an easy task. Providing pro bono legal services promotes access to justice, by giving counsel to those who otherwise would not have it.

In keeping with this commitment to providing representation to those who otherwise do not have access to representation, Dan Gustafson was one of four lawyers who helped develop and implement the Minnesota *Pro Se* Project for the Minnesota Chapter of the Federal Bar Association. Because the Federal Bar Association did not have funding for the project, Gustafson Gluek volunteered to administer the Project during its inaugural year, starting in May 2009, devoting extensive resources to matching pro se litigants with volunteer counsel. In 2010, Chief Judge Michael Davis of the District of Minnesota awarded Dan Gustafson a Distinguished Pro Bono Service Award for "rising to the Court's challenge of bringing the idea of the *Pro Se* Project to fruition and nurturing the Project into its current form." Gustafson Gluek has continued representing clients through the *Pro Se* Project since that time.

## **Gustafson Gluek Supports the Following Volunteer Organizations**

- American Antitrust Institute
- The American Constitutional Society
- Association of Legal Administrators
- Children's Law Center
- Cookie Cart
- COSAL
- Division of Indian Work
- Domestic Abuse Project
- Farmers Union Foundation
- Federal Bar Association
- Federal *Pro Se* Project
- Great North Innocence Project
- Greater Minneapolis Crisis Nursery
- Hennepin County Bar Association
- Innocence Project of MN
- Infinity Project
- Minneapolis Jewish Foundation
- Minnesota Hispanic Bar Association
- Minnesota Paralegal Association
- Minnesota State Bar Association
- Minnesota Women Lawyers
- MN Chapter of the Federal Bar Association
- Page Education Foundation
- Project Hope
- Southern MN Regional Legal Services
- The Fund For Legal Aid Society
- Volunteer Lawyers Network



## **OUR PROFESSIONALS**

## DANIEL E. GUSTAFSON

Daniel E. Gustafson is a founding member of Gustafson Gluek PLLC. Mr. Gustafson has dedicated his career to helping individuals and small businesses litigate against large corporations for various antitrust, product defect or consumer fraud violations. He has also strived to use his legal skills to represent those who cannot otherwise afford a lawyer. Mr. Gustafson served as an appointed public defender in federal court, he was involved in helping develop the Federal Bar Association's *Pro Se* Project, which coordinates volunteer representation for *pro se* litigants, and he has spent thousands of hours representing individuals on a *pro bono* basis. In 2019, he was given a lifetime achievement award by the Minnesota Federal Bar Association for his work on the *Pro Se* Project.



Mr. Gustafson is admitted to practice in the United States District Court for the District of Minnesota, the United States District Court for the District of North Dakota, the United States District Court for the Eastern District of Michigan, the United States District Court for the Western District of Michigan, the United States District Court for the Eastern District of Wisconsin, the United States Courts of Appeals for the First, Third, Fifth, Sixth, Eighth and Eleventh Circuits, the Minnesota Supreme Court and in the United States Supreme Court.

Mr. Gustafson was an adjunct professor at the University of Minnesota Law School for many years, teaching a seminar long course on the "Fundamentals of Pretrial Litigation."

Mr. Gustafson is a past president of the Federal Bar Association, Minnesota Chapter (2002-2003) and served in various capacities in the Federal Bar Association over the last several years. He was the Vice-Chair of the 2003 Eighth Circuit Judicial Conference held during July 2003 in Minneapolis (Judge Diana E.

Murphy was the Chair of the Conference). He is a member of the Hennepin County, Minnesota, Federal, and American Bar Associations.

In September 2011, Mr. Gustafson testified before the House Committee on the Judiciary, Subcommittee on Intellectual Property, Competition and the Internet regarding the proposed merger between Express Scripts and Medco. Mr. Gustafson also testified before the United States Congressional Commission on Antitrust Modernization in June 2005. In addition to congressional testimonies, Mr. Gustafson has authored or presented numerous seminars and continuing legal education pieces on various topics related to class action litigation, antitrust, consumer protection or legal advocacy.

Mr. Gustafson served as a law clerk to the Honorable Diana E. Murphy, United States District Judge for the District of Minnesota (1989-91). Following his judicial clerkship, Mr. Gustafson worked in the fields of antitrust and consumer protection class action litigation. In May 2003, Mr. Gustafson formed Gustafson Gluek PLLC where he continues to practice antitrust and consumer protection class action law.

Mr. Gustafson has been actively involved in many cases, in which he, or the Firm, has been named Lead Counsel, Co-Lead Counsel, Co-Lead Trial Counsel, or Settlement Counsel, including:

- *In re DPP Beef Antitrust Litig.* (D. Minn.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *3M Earplugs Litig.* (Minn.)
- *In re Syngenta Litig.* (Minn.)
- *In re Broiler Chicken Antitrust Litig.* (N. D. Ill.)
- *In re Surescripts Antitrust Litig.* (N.D. Ill.)
- *In re Medtronic, Inc. Sprint Fidelis Liability Litig.* (D. Minn.)
- *Precision Assocs. Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y.)
- *In re Medtronic, Inc. Implantable Defibrillators Liability Litig.* (D. Minn.)
- *In re Vitamin C Antitrust Litig.* (E.D.N.Y.)
- *In re DRAM Antitrust Litig.* (N.D. Cal.)

- *The Shane Group, Inc. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.)
- *Karsjens v. Jesson* (D. Minn.)
- *Synthes USA, LLC v. Spinal Kinetics* (N.D. Cal.)
- *KBA-Giori, North America, Inc., v. Muhlbauer, Inc.* (E.D. Va.)
- *Spine Solutions, Inc. v. Medtronic Sofamor Danek, Inc.* (W.D. Tenn.)
- *Dryer v. National Football League* (D. Minn.)

### **Additional Background Information**

#### **Education:**

- Juris Doctorate (1989)
  - University of Minnesota Law School
- Bachelor of Arts (1986)
  - University of North Dakota

#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota
- U.S. Court of Appeals for the First, Second, Third, Fifth, Sixth, Eighth, Tenth and Eleventh Circuits
- U.S. Supreme Court

#### **Recognition:**

- Lifetime Achievement Award from the District of Minnesota Bar (2019)
- Selected by *Super Lawyers* as a Minnesota "Super Lawyer" (2001 - 2022)
- Selected by *Minnesota Lawyer* as Attorney of the Year (2010, 2013, 2017)
- Ranked in the "Top 100 Minnesota Lawyers" by *Super Lawyer* (2012-2021)
- MSBA North Star Lawyer (2012, 2013, 2015, 2018, 2020)
- American Antitrust Institute Meritorious Service Award (2014)
- Director of The Fund for Legal Aid Board (2014-2018)
- Infinity Project Board Member (2015)
- MWL President's Leadership Circle (2013-2014)
- UST School of Law Mentor (2014-2015)
- AAI Annual Private Enforcement Award and Conference Committee Member (2014- 2016)
- Richard S. Arnold Award for Distinguished Service (2021)

## KARLA M. GLUEK

Karla M. Gluek is a founding member of Gustafson Gluek PLLC. Ms. Gluek has been practicing in the areas of antitrust and consumer protection class action litigation since 1995, following her clerkship to the Honorable Gary Larson, District Judge, Fourth Judicial District of Minnesota. Ms. Gluek has spent her career representing individuals and small businesses against large corporation for various antitrust, product defect or consumer fraud violations.



In May 2003, Ms. Gluek joined Mr. Gustafson in forming Gustafson Gluek PLLC. In 2020, Ms. Gluek was elected as the Firm Manager for Gustafson Gluek, becoming the first woman to serve in that position at the Firm.

Throughout her law career, Ms. Gluek has also spent thousands of hours representing individuals on a pro bono basis as part of her commitment to justice for all. She has served as a volunteer attorney for the Minnesota Federal Bar Association's Federal *Pro Se* Project.

Ms. Gluek is admitted to practice in the United States District Court for the District of Minnesota and the Eighth Circuit Court of Appeals. She is a member of the Hennepin County, Minnesota, and Federal Bar Associations. Ms. Gluek is also an active member of the Minnesota Women's Lawyers. Ms. Gluek is a Board Member for the Fund for Legal Aid for the Mid-Minnesota Legal Aid.

She has been recognized several times as a North Star Lawyer for providing at least 50 hours of pro bono legal services in a calendar year to individuals with need. She has assisted in the representation of *pro se* litigants through the Federal Bar Association's *Pro Se* Project in addition to those referred to Gustafson Gluek by other sources. She was part of the team at Gustafson Gluek that represented a class of civilly committed sex offenders challenging the

constitutionality of Minnesota's commitment statutes in *Karsjens et al v. Jesson* (D. Minn.).

Ms. Gluek has been designated as a Minnesota "Super Lawyer" from 2011-2021 and has twice been selected as one of *Minnesota Lawyer's* Attorneys of the Year.

Ms. Gluek has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *Hogan v. Amazon, Inc.* (N.D. Ill.)
- *3M Company Earplugs Litig.* (Minn.)
- *In re Plum Baby Food Litig.* (N.D. Cal.)
- *In re Gerber Co. Heavy Metals Baby Food Litig.* (E.D. Va.)
- *In re Nurture Baby Food Litig.* (S.D.N.Y.)
- *In re Syngenta Litig.* (Minn.)
- *In re Medtronic, Inc. Sprint Fidelis Liability Litig.* (D. Minn.)
- *In re Medtronic, Inc. Implantable Defibrillators Liability Litig.* (D. Minn.)
- *Karsjens v. Jesson* (D. Minn.)
- *Synthes USA, LLC v. Spinal Kinetics* (N.D. Cal.)
- *KBA-Giori, North America, Inc., v. Muhlbauer, Inc.* (E.D. Va.)
- *Spine Solutions, Inc. v. Medtronic Sofamor Danek, Inc.* (W.D. Tenn.)
- *Dryer v. National Football League* (D. Minn.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *In re Wellbutrin SR/Zyban Direct Purchaser Antitrust Litig.* (E.D. Pa.)
- *Reitman v. Champion Petfoods* (C.D. Cal.)
- *Weaver v. Champion Petfoods* (E.D. Wis.)

### Additional Background Information

#### Education:

- Juris Doctor (JD)
  - William Mitchell College of Law
    - *cum laude*, J.D. (1993)

- Bachelor of Arts (BA)
  - University of St. Thomas (1990)

**Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

**Recognition:**

- Selected by *Super Lawyers* as a Minnesota “Super Lawyer” (2011 – 2022)
- Selected by *Minnesota Lawyer* as an Attorney of the Year (2014, 2017)
- MSBA North Star Lawyer (2012, 2013, 2015, 2018, 2020)

## **ABOU B. AMARA, JR.**

Mr. Amara joined Gustafson Gluek PLLC as an associate in August 2021, after clerking for Associate Justice Anne K. McKeig and Associate Justice Paul C. Thissen of the Minnesota Supreme Court. As an associate at the Firm, Mr. Amara will be representing individuals and small businesses alleging antitrust, consumer, civil rights, and constitutional, and financial securities violations in both state and federal court. Before clerking on the Minnesota Supreme Court, Mr. Amara was an associate attorney at a well-respected Minneapolis law firm.



During law school, Mr. Amara was a two-time National Moot Court individual champion—earning the “Best Oralist” award at both the 2018 William E. McGee National Moot Court Competition on Civil Rights and the 2019 Evan A. Evans National Moot Court Competition on Constitutional Law. Mr. Amara was also elected by his law school classmates to serve as commencement speaker.

Before law school, Mr. Amara had an extensive career in the legislative and political arena, including serving as a top aide to the Minnesota Speaker of the House, Minnesota Secretary of State, and frequent TV/radio commentator and analyst on Minnesota politics and public affairs.

In 2015, Mr. Amara was named to Twin Cities Business Magazine’s “100 Minnesotans to Know” list for his impact in the public affairs arena and honored as a Minnesota “Shaper of the Future” by the publication.

Mr. Amara currently serves on the board of MicroGrants, a nonprofit dedicated to providing \$1,000 grants to low-income people pursuing potential to invest in their lives, and is a member of the leadership team of the Minnesota Association of Black Lawyers, serving as the organization’s Vice-President. Mr. Amara has been elected to serve as Co-Chair of the Minnesota Chapter of the Federal Bar Association’s New Lawyer Committee for the next year.



Mr. Amara has worked on several cases in which Gustafson Gluek is, or has been appointed to leadership positions or been actively involved, including:

- *In re DPP Beef Litig.* (D. Minn.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *Roamingwood Sewer v. National Diversified Sales, Inc.* (M.D. Pa.)
- *Mortgage Refinancing* (N.C. Cal.)
- *Oil and Gas Litig.* (Investigating)

### **Additional Background Information**

#### **Education:**

- Juris Doctor
  - University of St. Thomas
- Master of Public Policy
  - University of Minnesota
    - Hubert H. Humphrey School of Public Affairs
- Bachelor of Arts (BA)
  - University of Wisconsin-Eau Claire

#### **Court Admissions:**

- Minnesota Supreme Court (Minn.)
- United States District Court for the District of Minnesota (D. Minn.)

#### **Recognition:**

- Named Outstanding New Lawyer of the Year by the Minnesota State Bar Association (2022)
- Selected by *Minnesota Lawyers* as an “Up and Coming Attorney of the Year” (2022)

## AMANDA M. WILLIAMS

Amanda M. Williams is a member of Gustafson Gluek PLLC. Ms. Williams joined the Firm in 2005, following her clerkship with the Honorable Gordon W. Shumaker, Minnesota Court of Appeals. Since then, she has been actively litigating consumer protection, product liability, and antitrust class actions.

Ms. Williams is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.



Ms. Williams is an active member of Minnesota Women Lawyers and is former chair of the Law School Scholarship Committee. She currently serves on the Board of the Infinity project, which is an organization whose mission is to increase the gender diversity of the state and federal bench to ensure the quality of justice in the Eighth Circuit.

She serves as a volunteer attorney for the Minnesota Federal Bar Association's Federal *Pro Se* Project and is a recipient of the Minnesota chapter of the Federal Bar Association's 2011 Distinguished *Pro Bono* Service award.

Ms. Williams has been recognized as a "Rising Star" from 2014-2019 by *Super Lawyers* and was selected as one of *Minnesota Lawyer's* Attorneys of the Year in 2017. Ms. Williams was also designated as a Minnesota "Super Lawyer" by *Super Lawyer* in 2021.

Ms. Williams has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or actively involved including:

- *In re Medtronic, Inc., Implantable Defibrillators Prod. Liab. Litig.* (D. Minn.)

- *In re Syngenta Litig.* (Minn.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *Ciofoletti et al. v. Securian Financial Group, Inc.* (D. Minn.)
- *Reed, et al. v. Advocate Health Care, et al.* (N.D. Ill.)
- *3M Company Earplugs Litig.* (Minn.)
- *In re Medtronic Inc. Sprint Fidelis Leads Prod. Liab. Litig.* (D. Minn.)
- *Karsjens et al v. Jesson* (D. Minn.)
- *St. Jude (Pinsonneault v. St. Jude Medical, Inc., et al.* (D. Minn.); *Houlettev. St. Jude Medical Inc., et al.* (D. Minn.); *Rouse v. St. Jude Medical, Inc., et al.* (D. Minn.))
- *American Home Realty Network (Regional Multiple Listing Service of Minnesota, Inc., d/b/a NorthstarMLS v. American Home Realty Network, Inc.,* (D. Minn.); *Metropolitan Regional Information Systems, Inc., v. American Home Realty Network, Inc.* (D. Md.); *Preferred Carolinas Realty, Inc., v. American Home Realty Network, Inc., d/b/a Neighborcity.com* (M.D.N.C.))

### **Additional Background Information**

#### **Education:**

- Juris Doctor (2004)
  - University of Minnesota Law School
    - Jessup International Law Moot Court
    - Comparative international law program in Greece
- Bachelor of Arts (2001)
  - Gustavus Adolphus College
    - *Magna cum laude*
    - *Phi Beta Kappa*

#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

#### **Recognition:**

- Selected by *Super Lawyers* as a Minnesota "Super Lawyer" (2021-2022)
- Selected by *Super Lawyers* as a Minnesota "Rising Star" (2013 – 2019)
- Selected by *Minnesota Lawyer* as an Attorney of the Year (2017)
- MSBA North Star Lawyer (2015)
- Minnesota District Court's Distinguished Pro Bono Service Award (2011)

## BAILEY TWYMAN-METZGER

Bailey Twyman-Metzger joined Gustafson Gluek in March 2023 after working as an attorney editor at Thomson Reuters, where she was actively involved in pro bono work. Prior to her work at Thomson Reuters, Bailey was a Robina Post-Graduate Fellow at the Advocates for Human Rights.



Upon joining Gustafson Gluek, Bailey will be practicing in the areas of consumer protection and antitrust litigation, where she will be representing individuals and small businesses in both federal and state court. Bailey is an active member of the Minnesota Lavender Bar Association.

Bailey is a 2015 graduate of Miami University with a B.A. in History and Women, Gender, and Sexuality Studies, and a minor in Art History, and a 2018 cum laude graduate of the University of Minnesota Law School. While in law school, Bailey was a staffer and Lead Symposium Editor for the Minnesota Journal of Law & Inequality. Bailey was also a student attorney and director for the University of Minnesota Human Rights Litigation and International Legal Advocacy Clinic.

### Additional Background Information

#### Education:

- Juris Doctor (2018)
  - University of Minnesota Law School
    - Lead Symposium Editor, Minnesota Journal of Law & Inequality
- Bachelor of Arts (2015)
  - Miami University

#### Court Admissions:

- Minnesota Supreme Court

## CATHERINE K. SMITH

Catherine Sung-Yun K. Smith is a member of Gustafson Gluek PLLC. Since joining the Firm in 2007, Ms. Smith has been practicing in the area of complex antitrust and consumer protection litigation, particularly cases involving foreign entities. Ms. Smith is fluent in Korean and English and also has basic language skills in German, Japanese, and Chinese.



Ms. Smith has been serving on the Antitrust Enforcement Award Judging Committee for the American Antitrust Institute since 2015-2021. Ms. Smith was selected as a Minnesota “Rising Star” from 2013-2016 by *Super Lawyers*. She is an active member of Minnesota Women Lawyers and the Federal Bar Association focusing on issues of diversity.

Ms. Smith has represented many *pro se* litigants through the Federal Bar Association’s *Pro Se* Project in addition to those referred to Gustafson Gluek by other sources and received the Distinguished Pro Bono Service Award in 2010 for her efforts.

She is a graduate of Korea University (B.A. 2000) and a graduate of University of Minnesota Law School (J.D. 2005). Ms. Smith is admitted to the New York Bar, Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

Ms. Smith has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Nurture Baby Food Litig.* (S.D.N.Y.)
- *In re Gerber Co. Heavy Metals Baby Food Litig.* (E.D. Va.)
- *In re Plum Baby Food Litig.* (N.D. Cal.)
- *Thomas et al v. Beech-Nut Nutrition Company* (N.D.N.Y)

- *Baldwin et al v. Miracle-Ear, Inc.* (D. Minn.)
- *In re Hard Disk Drive Suspension Assemblies Antitrust Litig.* (N.D. Cal.)
- *In re Cathode Ray Tube (CRT) Antitrust Litig.* (N.D. Cal.)
- *Fuentes et al. v. Jiffy Lube International, Inc.* (E.D. Pa)
- *In re Juul Labs, Inc., Antitrust Litig.* (N.D. Cal.)
- *In re Lithium Ion Batteries Antitrust Litig.* (N.D. Cal.)
- *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.)*In re Optical Disk Drive Products Antitrust Litig.* (N.D. Cal.)
- *In re TFT-LCD (Flat Panel) Antitrust Litig.* (N.D. Cal.)
- *In re Remicade Antitrust Litig.* (E.D. Pa.)
- *Fath et al. v. Honda North America, Inc.* (D. Minn.)
- *Penrod et al. v. K&N Engineering, Inc.* (D. Minn.)
- *Frost et al. v. LG Corp., et al.* (N.D. Cal.)
- *In re Railway Industry Employee No-Poach Antitrust Litig.* (W.D. Pa.)
- *In re Korean Air Lines Co. Ltd. Antitrust Litig.* (C.D. Cal.)
- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor (2005)
  - University of Minnesota Law School
    - Director of the Civil Practice Clinic
    - Director of William E. McGee National Civil Rights Moot Court Competition
    - Participant in the Maynard Pirsig Moot Court
- Bachelor of Arts (2000)
  - Korea University

#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota
- Appellate Division of the New York State Supreme Court
- U.S. District Court for the Northern District of New York

#### **Recognition:**

- Selected by *Super Lawyers* as a Minnesota “Super Lawyer” (2022)
- Selected by *Super Lawyers* as a Minnesota “Rising Star” (2013 – 2016)
- Minnesota District Court’s Distinguished Pro Bono Service Award (2010)

## DANIEL C. HEDLUND

Daniel C. Hedlund is a member of Gustafson Gluek PLLC, having joined the Firm in 2006. Throughout his legal career, Mr. Hedlund has practiced in the areas of antitrust, securities fraud, and consumer protection, and, in 2021, Mr.



Hedlund was appointed Co-Chair the Firm's antitrust litigation team.

Mr. Hedlund is admitted to practice in the United States District Court for the District of Minnesota, the Eighth Circuit Court of Appeals, the Second Circuit Court of Appeals, and in Minnesota State Court. He is a member of the Federal, American, Minnesota, and Hennepin County Bar associations. Mr. Hedlund is active in the Minnesota Chapter of the Federal Bar Association (FBA), recently completing a term as President for the Minnesota chapter of the FBA. He has previously served in several roles for the Minnesota Chapter including: Co-Vice President for the Eighth Circuit, Legal Education; Co-Vice President, Special Events; Co-Vice President, Monthly Meetings; Secretary; and Liaison between the FBA and the Minnesota State Bar Association. He recently served as Chairman for the Antitrust Section of the Minnesota State Bar Association (MSBA), Secretary for the MSBA Consumer Litigation Section, and is past President of the Committee to Support Antitrust Laws.

In addition to presenting at numerous CLEs, Mr. Hedlund has testified multiple times before the Minnesota legislature on competition law, and before the Federal Rules Committee.

From 2013-2021, he has been designated as a Minnesota "Super Lawyer," in the field of antitrust law. He was also ranked in the Top 100 Minnesota Lawyers by *Super Lawyers* in 2015 and 2017-2021. Mr. Hedlund has served as a volunteer attorney for the Minnesota Federal Bar Association's Federal Pro Se Project and



is the recipient of the Minnesota District Court's Distinguished *Pro Bono* Service Award in 2011.

Mr. Hedlund served as a law clerk on the Minnesota Court of Appeals (1997) and in the Fourth Judicial District of Minnesota (1995-1996).

Mr. Hedlund has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Beef DPP Antitrust Litig.* (D. Minn.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Interior Molded Doors Indirect Purchaser Antitrust Litig.* (E.D. Va.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *In re Deere & Company Repair Services Antitrust Litig.* (N.D. Ill.)
- *Bhatia v. 3M Co.* (D. Minn.)
- *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *Kleen Prods. v. Intl. Paper (Containerboard Antitrust Litig.)* (N.D. Ill.)
- *In re CenturyLink Sales Practices and Securities Litig.* (D. Minn.)
- *Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y.)
- *The Shane Group, Inc. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.)
- *In re Vitamin C Antitrust Litig.* (E.D.N.Y.)
- *In re Blue Cross Blue Shield Antitrust Litig.* (N.D. Ala.)
- *In re DRAM Antitrust Litig.*

### Additional Background Information

#### Education:

- Juris Doctor (1995)
  - University of Minnesota Law School
    - Note and Comment Editor: Minnesota Journal of Global Trade
- Bachelor of Arts (1989)
  - Carleton College

#### Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota



**Recognition:**

- Selected by *Super Lawyers* as a Minnesota “Super Lawyer” (2013 – 2022)
- Ranked in Top 100 Minnesota Lawyers by *Super Lawyers* (2015, 2017 – 2021)
- Minnesota District Court’s Distinguished Pro Bono Service Award (2011)
- Recipient of the Federal Bar Association’s John T. Stewart, Jr. Memorial Fund Writing Award (1994)

**Publications:**

- Co-Authored “Plaintiff Overview” in *Private Antitrust Litigation 2015 – Getting the Deal Through*
- Contributor to *Concurrent Antitrust Criminal and Civil Procedure 2013 – American Bar Association*

## DANIEL J. NORDIN

Daniel J. Nordin joined Gustafson Gluek PLLC as an associate in 2011 after graduating from the University of Minnesota law school. Since joining the Firm, he has practiced in the areas of antitrust and consumer protection, representing primarily small businesses and individuals bringing claims against large corporations. Mr. Nordin became a member of Gustafson Gluek in 2019.



In addition to his day-to-day practice, Mr. Nordin has represented several individuals through the Minnesota Federal Bar's *Pro Se* Project, a program that matches pro se litigants with pro bono attorneys.

Mr. Nordin is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota. He is also a member of the Federal Bar Association and the Minnesota Bar Association.

In law school, Mr. Nordin was a Managing Editor on the *Minnesota Journal of Law, Science & Technology*. He also volunteered as a Tenant Advocate with HOME Line, a nonprofit tenant advocacy organization, through the University of Minnesota Law School's Public Interest Clinic.

Mr. Nordin has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *Google Digital Publisher Antitrust Litig.* (S.D.N.Y.)
- *In re Crop Inputs Antitrust Litig.* (E.D. Mo.)
- *Jones v. Varsity Brands, LLC* (W.D. Tenn.)
- *In re Hard Disk Drive Suspension Assemblies Antitrust Litig.* (N.D. Cal.)
- *In re Surescripts Antitrust Litigation* (N.D. Ill.)
- *In re FICO Antitrust Litig.* (N.D. Ala.)

- *In re Blue Cross Blue Shield Antitrust Litig.* (N.D. Ala.)
- *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *In re Packaged Seafood Products Antitrust Litig.* (S.D. Cal.)
- *In re Resistors Antitrust Litig.* (N.D. Cal.)
- *The Shane Group, Inc., et al., vs. Blue Cross Blue Shield of Michigan* (E.D. Mich.)
- *In re Parking Heaters Antitrust Litig.* (E.D.N.Y.)
- *In re Drywall Antitrust Litig.* (E.D. Pa.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor (2011)
  - University of Minnesota Law School
    - Magna cum laude
    - Managing Editor: Minnesota Journal of Law Science & Technology
- Bachelor of Arts (2007)
  - University of Minnesota
    - with distinction

#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota
- U.S. District Court for the Eastern District of Michigan

#### **Recognition:**

- Selected by *Super Lawyers* as a Minnesota “Rising Star” (2018 – 2022)
- MSBA North Star Lawyer (2020)

## DAVID A. GOODWIN

David A. Goodwin is a member of Gustafson Gluek PLLC. When Mr. Goodwin joined the Firm in 2008, he began practicing in the areas of antitrust, securities and consumer protection. Since then, he has represented many small businesses and individuals in litigating their claims against some of the largest companies in the world.



In addition, Mr. Goodwin has served as counsel to many individuals on a pro bono basis through his work with the Minnesota Federal Court's *Pro Se* Project, which matches pro se litigants with pro bono attorneys. Through the *Pro Se* Project, Mr. Goodwin has represented individuals in bringing employment claims, constitutional claims and other civil claims that might otherwise not have been heard.

Mr. Goodwin is admitted to practice in the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

Mr. Goodwin is active in the Federal Bar Association on the national level as well as with the Minnesota Chapter. He has served as a National Director of the FBA. He is also a past Chair of the Younger Lawyers Division. Currently, he is an Eighth Circuit Vice President. David is also a Director of the Minnesota Chapter of the FBA, where he serves as the FBA Liaison for the *Pro Se* Project. Mr. Goodwin is also active with the Minnesota State Bar Association, where he has served as a Co-Chair of the Consumer Litigation Section.

Mr. Goodwin is currently or has recently worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or actively involved including:

- *Kevin Brnich Electric LLC et al. v. Siemens Industry Inc.* (N.D. Ga.)
- *In Re: Group Health Plan Litig.* (D. Minn.)
- *Crowell, et al. v. FCA US, LLC* (D. De.)
- *In Re: Kia Hyundai Vehicle Theft Marketing, Sales Practices, and Products Liability Litigation* (C.D. Ca.)
- *Thelen, et al., v. HP. Inc.* (D. De.)
- *Salinas, et al., v. Block, Inc., et al.,* (N.D. Ca.)
- *Hogan v. Amazon, Inc.* (N.D. Ill.)
- *Krukas et al. v. AARP, Inc., et al.* (D.D.C.)
- *FCA US LLC Monostable Electronic Gearshifts Litig.* (E.D. Mich.)
- *Krautkramer v. Yamaha Motor Corporation, USA* (D. Minn.)
- *Reynolds, et al., v. FCA US, LLC* (E.D. Mi.)
- *Gisairo v. Lenovo (United States) Inc.* (D. Minn.)
- *Kottemann Orthodontics, P.L.L.C. v. Delta Dental Plans Association, et al.* (D. Minn.)
- *In re: Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *Karsjens et al. v. Harpstead, et al.* (D. Minn.)
- *Phillips v. Caliber Home Loans* (D. Minn.)
- *Woronko v. General Motors, LLC* (E.D. Mich.)
- *Dryer et al. v. National Football League* (D. Minn.)
- *National Hockey League Players' Concussion Injury Litig.* (D. Minn.)
- *In re Aluminum Warehousing Antitrust Litig.* (S.D.N.Y.)
- *In re: National Prescription Opioids Litig.* (N.D. Oh.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor (2006)
  - DePaul University College of Law
- Bachelor of Arts (2001)
  - University of Wisconsin

#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

**Recognition:**

- Selected by *Super Lawyers* as a Minnesota “Super Lawyer” (2020-2022)
- Selected by *Super Lawyers* as a Minnesota “Rising Star” (2013 – 2018)
- MSBA North Star Lawyer (2012-2016, 2018, 2020)

## DENNIS STEWART

Dennis Stewart joined Gustafson Gluek PLLC as a member in 2019, opening the Firm's San Diego office. Mr. Stewart comes to Gustafson Gluek with years of experience in litigating antitrust, consumer and securities class and individual actions. His cases have ranged across a wide variety of industries including carbon fiber, credit card fees, interchange, casino gaming, sports broadcasting, college athletics, rental car fees, electronics components, medical devices, medical services, casino gaming, and defense procurement.



He is currently serving as one of the counsel in the leadership group in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.* He also is one of the counsel participating in the representation of End Purchaser Plaintiffs in *In re Packaged Seafood Products Antitrust Litig.* (S.D. Cal.), Commercial and Industrial Indirect Purchaser Plaintiffs in *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.) and one of the trial counsel in *In re: Cathode Ray Tube (CRT) Antitrust Litig.* (N.D. Cal.). Mr. Stewart recently served as one of the counsel who successfully obtained an injunction requiring the National Womens Soccer League to permit a 15 ½ year old womens soccer player to play in the NWSL despite a minimum age rule which would have blocked her participation in the league.

Between 1981 and 1985, he worked for a major San Diego law firm and engaged in a general commercial litigation practice. Between 1985 and 1988, Mr. Stewart served as a trial attorney with the Antitrust Division of the United States Department of Justice. While at the Antitrust Division, Mr. Stewart participated in investigations and trials involving alleged criminal violations of the antitrust and related laws in waste hauling, movie exhibition, and government procurement and was lead trial counsel in the successful prosecution through trial of *United States v. Soft America, Inc.* (D.N.J.).

Since leaving government service, Mr. Stewart has served as Lead Counsel, Principal Counsel and/or Trial Counsel in numerous antitrust, consumer and securities cases, both class and non-class. He was Lead Trial Counsel in *Knapp v. Ernst & Whinney* (9th Cir. 1996), in which a plaintiffs' verdict was returned in a Rule 10b-5 securities fraud class action, and *Hall v. NCAA*, (D. Kan.) in which Plaintiffs' verdicts were returned for NCAA assistant coaches.

Mr. Stewart has also served as Co-Lead Trial Counsel, Co-Lead Counsel, Trial Counsel or played an integral role in the following litigation:

- *In re Airline Ticket Commission Antitrust Litig.* (D. Minn.)
- *In re Contact Lens Antitrust Litig.* (M.D. Fla.)
- *In re Lifescan Consumer Litig.* (N.D. Cal.)
- *Carbon Fiber Antitrust Litig.* (C.D. Cal.)
- *In re Currency Conversion Litig.* (S.D.N.Y.)
- *Schwartz v. Visa* (Cal. Sup Ct.)
- *In re Polypropylene Carpet Antitrust Litigation* (N.D. Ga.)
- *Shames v. Hertz Corp.* (S.D. Cal.)
- *In re Broadcom Securities Litig.* (C.D. Cal.)
- *In re: Cathode Ray Tube (CRT) Antitrust Litig.* (N.D. Cal.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor
  - Hofstra University

#### **Court Admissions:**

- California Supreme Court
- U.S. District Court for the District of California

#### **Recognitions:**

- Selected by *Super Lawyers* as a California "Super Lawyer" (2012 – 2018; 2022)



## FRANCES MAHONEY-MOSEDALE

Ms. Mahoney-Mosedale became an associate of Gustafson Gluek PLLC in 2021 after clerking for the firm throughout law school.

Ms. Mahoney-Mosedale represents individuals and small businesses on behalf of themselves and/or a class in the in the areas of consumer protection, product defect, and antitrust. Ms. Mahoney-Mosedale is actively involved in assisting to represent individuals on a pro bono basis through the Minnesota Federal Bar Associations Pro Se Project, which matches pro se litigants to pro bono clients. She is an active member of Minnesota Women Lawyers, the American Bar Association, Federal Bar Association, Minnesota State Bar Association, and the Lavender Bar Association.



Ms. Mahoney-Mosedale has a Bachelor of Arts from Lewis & Clark college, graduating with a major in English and a minor in Gender Studies. Frances is also a graduate of the University of Minnesota Law School.

Ms. Mahoney-Mosedale has worked on several cases in which Gustafson Gluek is, or has been appointed to leadership positions or been actively involved, including:

- *Deere & Company Repair Services Antitrust Litig.* (N.D. Ill.)
- *Samaha, et al. v. City of Minneapolis, et al* (D. Minn.)
- *Google Digital Publisher Antitrust Litig.* (S.D. N.Y.)
- *Jones v. Varsity Brands, LLC* (W.D. Tenn.)

## **Additional Background Information**

### **Education:**

- Juris Doctor (2021)
  - University of Minnesota Law School
- Bachelor of Arts (2016)
  - Lewis and Clark College

### **Court Admissions:**

- Minnesota Supreme Court
- United States District Court for the District of MN

## JASON S. KILENE

Jason Kilene is a member of Gustafson Gluek PLLC. He is a graduate of the University of North Dakota (B.A. 1991) and a graduate of the University of North Dakota School of Law (J.D., *with distinction*, 1994).



Mr. Kilene joined Gustafson Gluek in 2003 and became a member shortly thereafter. Prior to joining Gustafson Gluek, Mr. Kilene served as a law clerk to the Honorable Bruce M. Van Sickle, United States District Judge for the District of North Dakota. Following his clerkship, Mr. Kilene represented numerous clients in the areas of commercial and complex litigation. Since then, Mr. Kilene has continued his practice in the areas of antitrust, consumer protection and other complex litigation.

Mr. Kilene is admitted to the Minnesota Bar, North Dakota Bar and is admitted to practice in the United States District Court for the District of Minnesota and the District of North Dakota. He is also a member of the Hennepin County, Minnesota, North Dakota, and Federal Bar Associations.

Mr. Kilene currently represents individuals and businesses harmed by anticompetitive business practices. He was part of the trial team that successfully recovered damages suffered by his clients due to alleged defective software in *In re J.D. Edwards World Solutions Company, (AAA)* (trial counsel for plaintiffs Quantegy and Amherst). Mr. Kilene also plays a significant role in identification, investigation, initiation and development of complex class action matters, along with his significant involvement with client relations.

Mr. Kilene has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)
- *In re Transpacific Passenger Air Transportation Antitrust Litig.* (N.D. Cal.)
- *In re Domestic Drywall Antitrust Litig.* (E.D. Pa.)
- *In re Payment Card Interchange Fee and Merchant Discount Litig.* (E.D.N.Y.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Domestic Drywall Antitrust Litig.* (E.D. Penn.)
- *In re Lithium Ion Batteries Antitrust Litig.* (N.D. Cal.)
- *In re Optical Disk Drive Antitrust Litig.* (N.D. Cal.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor (1994)
  - University of North Dakota School of Law
    - with distinction
- Bachelor of Arts (2016)
  - University of North Dakota

#### **Court Admissions:**

- Minnesota Supreme Court
- United States District Court for the District of MN
- North Dakota Supreme Court
- United States District Court for the District of ND

## JOE NELSON

Mr. Nelson joined Gustafson Gluek PLLC as an associate in November 2022 after clerking for the Honorable Kate Menendez at the United States District Court for the District of Minnesota and the Honorable James B. Florey at the Minnesota Court of Appeals.

Mr. Nelson will be practicing in the areas of antitrust, product defect, consumer protection and civil rights. He has already delved into constitutional issue for pro bono cases at Gustafson Gluek and has been investigating potential product defect cases.



Mr. Nelson graduated *cum laude* from Mitchell-Hamline School of Law in 2019. While in law school, he served as an editor on the Mitchell-Hamline Law Review and volunteered with the Self-Help Clinic, which helps individuals represent themselves in court. He also clerked for a Twin Cities plaintiff's employment law firm.

Mr. Nelson is committed to the protection of civil rights, consumer safety, and fair competition.

### **Additional Background Information**

#### **Education:**

- Juris Doctor (2019)
  - Mitchell-Hamline School of Law
    - Editor: Minnesota Mitchell-Hamline Law Review
- Bachelor of Arts (2014)
  - Saint John's University

**Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

## JOSHUA J. RISSMAN

Joshua Rissman joined Gustafson Gluek in 2010 as an associate and became a member of the Firm in 2018. Since joining the Firm, Mr. Rissman has focused his practice on antitrust and class action litigation. Mr. Rissman prides himself on vigorously representing small businesses and individuals damaged by wrongful corporate and government conduct.



In addition to his antitrust class action practice, Mr. Rissman has brought several pieces of important constitutional litigation involving mistreatment of juvenile detainees and police brutality. He currently represents a former juvenile detainee who alleges he was abused at the Minnesota Correctional Facility – Red Wing, and that the administration was aware of the risks to the juvenile and failed to protect him. *Doe v. Hanson et al.* (Minn.) Mr. Rissman was also the lead attorney in a section 1983 constitutional rights action brought on behalf of the family of a man killed by Brooklyn Center police officers in 2015. *Khottavongsa v. City of Brooklyn Center* (D. Minn.). Mr. Rissman is currently representing a class of protestors who were unlawfully subjected to tear gas and pepper spray in the protest following the George Floyd protest. *Samaha, et al. v. City of Minneapolis, et al* (D. Minn.).

Mr. Rissman was selected a Minnesota Rising Star by Super Lawyers in the area of antitrust litigation (2014 – 2020) and was selected as a “Super Lawyer” in 2021. He is the Treasurer of the Antitrust Section of the Federal Bar Association, and counsel member of the Minnesota Bar Association Antitrust Section. Joshua also participates in the *Pro Se* Project, representing civil litigants in federal court who would otherwise go without representation.

Mr. Rissman has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Pork Antitrust Litig.* (D. Minn.)
- *In re DPP Beef Antitrust Litig.* (D. Minn.)
- *In re Containerboard Antitrust Litig.* (N.D. Ill.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In National Hockey League Players' Concussion Injury Litig.* (D. Minn.)
- *Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y.)
- *In re Lithium Batteries Antitrust Litig.* (N.D. Cal.)
- *In re Optical Disk Drives Litig.* (N.D. Cal.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *In re Opana Antitrust Litig.* (N.D. Ill.)
- *City of Wyoming et al. v. Procter & Gamble Company* (D. Minn.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor (2010)
  - University of Minnesota School of Law
    - *cum laude*
- Bachelor of Arts (2005)
  - University of Minnesota
    - *magna cum laude*

#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

#### **Recognition:**

- Selected by *Super Lawyers* as a Minnesota "Super Lawyer" (2021-2022)
- Selected by *Super Lawyers* as a Minnesota "Rising Star" (2014 – 2020)



## KAITLYN L. DENNIS

Kaitlyn L. Dennis joined Gustafson Gluek PLLC as an associate in 2016. Since joining the Firm, Ms. Dennis has practiced in the areas of consumer protection, product liability, and antitrust litigation. In 2022, she was appointed to serve as Interim Co-Lead Counsel in the *In re Deere Repair Services Antitrust Litigation*, making her among the youngest attorneys ever appointed to serve as co-lead counsel in a nationwide class action.



In addition to her regular practice, Ms. Dennis has assisted multiple *pro se* litigants through the Federal Bar Association's *Pro Se* Project and is recognized as a North Star Lawyer for providing at least 50 hours of *pro bono* legal services in a calendar year. She was lead attorney in an arbitration trial alleging workplace discrimination on behalf of a *pro bono* client.

She is an active member of the American Bar Association, Federal Bar Association, Minnesota Bar Association, Minnesota Women Lawyers, and is the Chair of the Young Lawyers Division of the Committee to Support the Antitrust Laws ("COSAL"). In 2022, Ms. Dennis was one of the primary authors of an amicus brief filed by COSAL in the ninth circuit in the *Epic v. Apple* appeal. She is also one of the authors contributing to the forthcoming Rule of Reason Handbook for the ABA Antitrust Section.

Ms. Dennis is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

Prior to joining Gustafson Gluek, Ms. Dennis worked as a fellowship attorney at the Equal Employment Opportunity Commission and assisted the Honorable Arthur J. Boylan, ret., during the mediation of the bankruptcy of the Archdiocese of St. Paul and Minneapolis.

Ms. Dennis has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Deere & Company Repair Services. Antitrust Litig.*, (N.D. Ill.)
- *In re Crop Inputs Antitrust Litig.* (E.D. Mo.)
- *In re Generic Pharmaceuticals Pricing Antitrust Litig.* (E.D. Pa.)
- *Hogan v. Amazon.com* (W.D. Wash.)
- *Reynolds v. FCA* (E.D. Mich.)
- *In re Surescripts Antitrust Litig.* (N.D. Ill.)
- *Wood Mountain Fish LLC v. Mowi ASA* (S.D. Fla.) (Farmed Atlantic Salmon Indirect Purchaser Antitrust Litigation)
- *In re Interior Molded Doors Indirect Purchaser Antitrust Litig.* (E.D. Va.)
- *In re Equifax, Inc. Customer Data Security Breach Litig.* (N.D. Ga.)
- *FCA US LLC Monostable Electronic Gearshifts Litig.* (E.D. Mich.)
- *Kjessler v. Zaappaaz, Inc. et al.* (S.D. Tex.)
- *Fath v. American Honda Motor Co., Inc.* (D. Minn.)
- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)
- *In re Volkswagen "Clean Diesel" Marketing Sales Practices, and Products Liability Litig.* (N.D. Cal.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor (2015)
  - University of Minnesota Law School
    - Dean's List (2012-2015)
    - Managing Editor of MN Law Review
- Bachelor of Arts (2010)
  - Southwestern University

#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

#### **Recognition:**

- MSBA North Star Lawyer (2018-2021)

**Publications:**

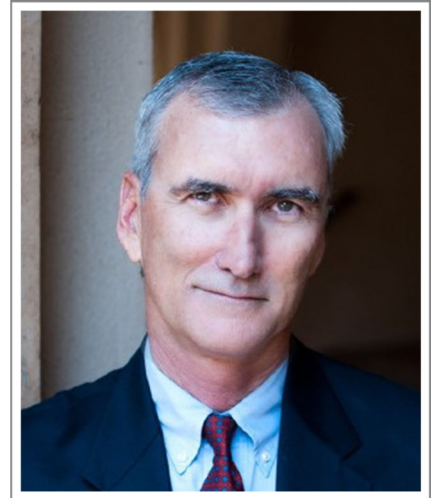
- Committee to Support the Antitrust Laws (COSAL) – Amicus Brief in *Epic v. Apple* (9th Cir. 2022)
- ABA, Handbook on the Rule of Reason (1st. Ed.) (forthcoming)

**Speaking:**

- American Antitrust Association, Young Lawyer's Breakfast (2019)
- Minnesota Federal Bar Association, *Pro Se Project and a Pint* (2019)

## KIRK HULETT

Kirk Hulett joined Gustafson Gluek PLLC in 2019 and is located in the San Diego office. Mr. Hulett has been named a San Diego Top Rated Securities Lawyer by Super Lawyers Magazine each year since 2010.



Mr. Hulett graduated from the University of California San Diego, where he obtained his undergraduate degree (1978). He then graduated cum laude from the University of San Diego School of Law (J.D. 1983), where he was Managing Editor of the University of San Diego Law Reporter. Since 1984, Mr. Hulett has specialized in the representation of plaintiffs in securities, antitrust, employment and consumer class actions as well as representing individuals and businesses in complex litigation.

Prior to co-founding Hulett Harper Stewart LLP in 2000, Mr. Hulett was a partner in the largest national class action firm in the country. He has testified before the California Assembly Business and Professions Committee on the topic of potential regulatory and auditor liability reforms following the Enron financial collapse and participated as a panelist on several occasions. He has been named a San Diego Top Rated Securities Lawyer by Super Lawyers Magazine each year since 2010. He is admitted to all of the District Courts in California, numerous other District Courts across the country by pro hac admission, the Ninth Circuit Court of Appeals and the United States Supreme Court. Mr. Hulett joined Gustafson Gluek as a member in 2019.

Mr. Hulett has been Lead or Co-Lead Counsel in dozens of class actions throughout the country, including *In re American Continental Corp./Lincoln Savings & Loan Securities Litig.* (D. Ariz.); *In re Media Vision Technology Securities Litig.* (N.D. Cal.); *Home Fed*, (S.D. Cal.); and *Gensia Pharmaceuticals*, (S.D. Cal.). He was Co-Lead trial counsel for a trustee in *Guy F. Atkinson Co. v. PriceWaterhouse LLP, et al.* (N.D. Cal.), a liability action against

PriceWaterhouseCoopers, LLP, and represents several bankruptcy estates in seeking recovery against officers, directors and professionals.

He also successfully represented defrauded individual investors in the *Abbott et al. v. Worldcom Co.* (S.D.N.Y). He was Co-Lead Counsel the securities class action, *Enriquez v. Edward Jones & Co. L.P.* (E.D. Mo.). Mr. Hulett also represented defrauded individual investors in *Bachman et al. v. A.G. Edwards* (Circuit Ct. of St. Louis) for breach of fiduciary duty. He represented an elderly individual in a Ponzi scheme case, *Meyerhoff v. Gruttadaria, et al.*, (San Diego Superior Court) against one of Wall Street's most prominent investment banks and was successful in obtaining a full recovery for the victim. He was Co- Lead Trial Counsel in *Pauma Band of Luiseno Mission Tribe v. Harrah's Operating Co., et al.* (San Diego Superior Court) on behalf of a San Diego area based Native American Tribe against Caesars Entertainment and Harrah's. Mr. Hulett has most recently been involved in representing victims of an antitrust conspiracy among the three largest suppliers of canned tuna in the world in *In Re Packaged Seafood Products Antitrust Litig.* (S.D. Cal.).

### Additional Background Information

#### Education:

- Juris Doctor (1983)
  - University of San Diego Law School
- Bachelor of Arts (1978)
  - University of California, San Diego

#### Court Admissions:

- California Supreme Court
- U.S. District Court for the District of California
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Supreme Court

#### Recognition:

- Selected by *Super Lawyers* as a California "Super Lawyer" (2010-2018; 2020)

## MARY NIKOLAI

Mary Nikolai joined Gustafson Gluek PLLC as an associate in 2019, after clerking for the Honorable Luis Bartolomei, District Judge, Fourth Judicial District of Minnesota. Since joining the Firm, Ms. Nikolai has represented individuals and classes in asserting various consumer fraud and product defect claims. She has also represented a number of former members of the nationwide FLSA collective alleging off-the-clock work in arbitrations throughout the country.



Ms. Nikolai is admitted to the Minnesota State Bar and the United States District Court for the District of Minnesota. She is also an active member of the Federal Bar Association and the Minnesota Women's Lawyers.

During law school, Ms. Nikolai clerked for two Twin Cities law firms and was a judicial extern for the Honorable Patrick Schiltz. She was also a Certified Student Attorney at the St. Thomas Interprofessional Center for Counseling and Legal Services, where she represented a family seeking asylum in the United States, which was ultimately granted. She also represented individuals at detained master calendar and bond hearings.

Ms. Nikolai has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Gerber Products Company Heavy Metals Baby Food Litig.* (E.D. Va.)
- *In re Nurture Baby Food Litig* (S.D.N.Y)
- *In re Plum Baby Food Litig.* (N.D. Cal.)
- *Castorina v. Bank of America, N.A.* (E.D. Va.)
- *Turner et al v. Chipotle Mexican Grill, Inc.* (D. Colo.)

- *Reitman v. Champion Petfoods* (C.D. Cal.)
- *Weaver v. Champion Petfoods* (E.D. Wis.)
- *In re Big Heart Pet Brands Litig.* (N.D. Cal.)
- *Krukas et al. v. AARP, Inc., et al.* (D.D.C.)
- *Bhatia v. 3M Co.* (D. Minn.)
- *Doe v. Hanson et al.* (Minn.)
- *Hudock v. LG Electronics USA, Inc.* (D. Minn.)
- *Brewster v. United States* (D. Minn.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor (2018)
  - University of St. Thomas
    - Clinic Student of the Year (2017 -2018)
- Bachelor of Arts (2012)
  - DePaul University

#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

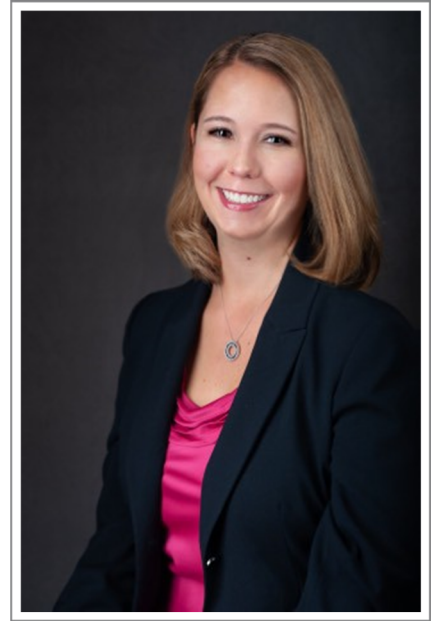
#### **Recognition:**

- MSBA North Star Lawyer (2020)
- MSBA North Star Lawyer (2021)

## MICHELLE J. LOOBY

Michelle J. Looby is a member of Gustafson Gluek PLLC. Ms. Looby joined Gustafson Gluek in 2008 and became a member in 2015. She co-chairs the Firm's antitrust group.

In the courtroom, Ms. Looby has served in leadership roles including as co-lead counsel, in numerous class actions. Outside the courtroom, Ms. Looby is actively involved in the legal community serving on the Advisory Board of the American Antitrust Institute, as the Immediate Past Chair and Diversity & Inclusion Liaison for the Minnesota State Bar Association's Antitrust Section, and on the executive committee of the Coalition in Support of the Antitrust Laws. In addition, she is actively involved in the American Bar Association, Federal Bar Association, and Minnesota Women Lawyers, previously having served on its Board of Directors. Ms. Looby also served on Law360's Competition Editorial Advisory Board, a leading daily legal news and intelligence service that reaches over one million recipients each day.



Ms. Looby is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota and the United State District Court for the District of North Dakota.

Ms. Looby has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Crop Inputs* (E.D. Mo.)
- *In re Interior Molded Doors Antitrust Litig.* (E.D.V.A.)
- *In re DPP Beef Litig.* (D. Minn.)
- *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *Precision Associates, Inc. et al. v. Panalpina World Transport (Holding), Ltd., et al.* (E.D.N.Y.)



- *Powell Prescription Center, et al. v. Surescripts, LLC et al.* (N.D. Ill.)
- *In re CenturyLink Residential Customer Billing Disputes Litig.* (D. Minn.)
- *In re Allura Fiber Cement Siding Products Liability Litig.* (D.S.C.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *In re Generic Pharmaceuticals Pricing Antitrust Litig.* (E.D. Pa.)
- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)
- *In re Opana ER Antitrust Litig.* (N.D. Ill.)
- *In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litig.* (E.D.N.Y.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *In re Celebrex (Celecoxib) Antitrust Litig.* (E.D. Va.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor (2007)
  - William Mitchell College of Law
    - William Mitchell Law Review (2005-2007)
    - Assistant Editor (2006-2007)
    - Recipient of the CALI Excellence for the Future Award
- Bachelor of Arts (2004)
  - University of Minnesota
    - *with distinction*

#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

#### **Recognition:**

- Selected by *Super Lawyers* as a Minnesota "Super Lawyer" (2021-2022)
- Selected by *Super Lawyers* as a Minnesota "Rising Star" (2014 – 2020)
- American Antitrust Institute Award for Outstanding Antitrust Litigation Achievement by a Young Lawyer (2015)
- American Antitrust Institute Award for Outstanding Antitrust Litigation Achievement in Private Practice (2022)
- Selected as an Attorney of the Year by Minnesota Lawyer (2023)

## NOAH COZAD

Mr. Cozad is an associate at Gustafson Gluek PLLC. Noah graduated from the University of Minnesota Law School and clerked for the Honorable Christian Sande of the Fourth Judicial District of Minnesota.



Mr. Cozad joined Gustafson Gluek PLLC as an associate in December 2021 after serving as a law clerk to the Honorable Judge Christian Sande of the Fourth Judicial District of Minnesota.

As an associate, Mr. Cozad will be representing those who are alleging antitrust, consumer protection, constitutional, and products liability violations. He is passionate about promoting fair competition and a more just economy.

Mr. Cozad graduated from the University of Minnesota with a B.A. in Political Science and minors in German and Global Studies with an emphasis in Human Rights. While in law school, Mr. Cozad was the Note and Comment Editor for the Minnesota Journal of Law, Science, & Technology. He was also a trained third-party neutral with the Community Mediation Clinic where he helped members of the Twin Cities community overcome conflict and prevent litigation. He also clerked for a Twin Cities plaintiffs' employment law firm and a Minnesota state agency. Before law school, Mr. Cozad did legislative and policy work in the United States Senate.

Mr. Cozad has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Pork Antitrust Litig.* (D. Minn.)
- *Jones v. Varsity Brands, LLC.* (W.D. Tenn.)
- *Wood Mountain Fish LLC v. Mowi ASA* (S.D. Fla.)
- *In re Surescripts Antitrust Litig.* (N.D. Ill.)

- *In re Cattle and Beef Antitrust Litig.* (D. Minn.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor (2021)
  - University of Minnesota Law School
    - Note and Comment Editor: Minnesota Journal of Law, Science, & Technology
- Bachelor of Arts (2016)
  - University of Minnesota

#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

## SHASHI GOWDA

Mr. Gowda is an associate at Gustafson Gluek PLLC. He graduated from the University of Minnesota Law School and clerked for the Honorable Christian Sande of the Fourth Judicial District of Minnesota. Mr. Gowda joined Gustafson Gluek as an associate in July of 2022



As an associate, Mr. Gowda will be representing those who are alleging antitrust, consumer protection, constitutional, and products liability violations.

Mr. Gowda graduated from Virginia Commonwealth University with a Bachelor of Science in Economics. He then went on to the University of Minnesota Law School, where he was a staffer and managing editor for the Minnesota Law Review. He was also a certified student attorney with the University of Minnesota Consumer Protection Clinic, where he helped guide clients through consumer protection claims.

Mr. Gowda is an active member of the Minnesota State Bar Association, Federal Bar Association and Minnesota Pacific American Bar Association.

Mr. Gowda has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *Hogan v. Amazon, Inc.* (N.D. Ill.)
- *Krukas et al. v. AARP, Inc., et al.* (D.D.C.)
- *Reynolds, et al., v. FCA US, LLC* (E.D. Mi.)
- *In re Nurture Baby Food Litig.* (S.D.N.Y.)
- *In re Gerber Co. Heavy Metals Baby Food Litig.* (E.D. Va.)

- *In re Plum Baby Food Litig.* (N.D. Cal.)
- *Gorczynski v. Electrolux Home Products, Inc.* (D.N.J.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor (2020)
  - University of Minnesota Law School
    - Managing Editor: Minnesota Law Review
- Bachelor of Science (2017)
  - Virginia Commonwealth University

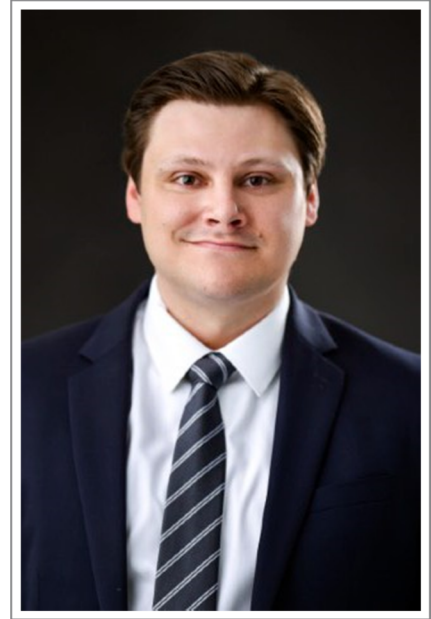
#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

## TONY STAUBER

Mr. Stauber joined Gustafson Gluek as an associate in 2021 after serving as a law clerk to the Honorable Caroline H. Lennon, District Judge, First Judicial District of Minnesota.

As an associate at the Firm, Mr. Stauber represents individuals and businesses who are harmed by illegal collusion and price-fixing schemes between competitors, and violations of state and federal consumer protection statutes. Additionally, Mr. Stauber practices in the area of civil rights, where he has represented clients in high-profile cases involving police brutality and other constitutional violations. He is passionate about pursuing claims on behalf of clients who have been harmed by institutions of power – whether those are gigantic corporations or law enforcement agencies.



Mr. Stauber is an active member of the Minnesota and Federal bar associations and is using his legal education to improve access to justice for all litigants. Mr. Stauber believes that all individuals and businesses deserve their day in court. Mr. Stauber graduated from the University of Minnesota with a B.A. in English Literature. He graduated magna cum laude from Mitchell Hamline School of Law. While in law school, Mr. Stauber was Vice President of the Mitchell Hamline Hovenkamp Antitrust Society, Membership Coordinator of the Mitchell Hamline Chapter of the American Civil Liberties Union, and a student researcher and member of the Mitchell Hamline Sex Offender Litigation and Research Center. Additionally, Tony was the Production Editor of the Mitchell Hamline Journal of Public Policy and Practice, where he was a published author of an article on the topic of qualified immunity.

Mr. Stauber has been an active member of the National Speech and Debate Association and the Minnesota State High School League as a speech and debate coach for ten years.

Mr. Stauber has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Beef DPP Antitrust Litig.* (N.D. Ill.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *In re Local TV Advertising Antitrust Litig.* (N.D. Ill.)
- *Karsjens v. Jesson* (D. Minn.)
- *Samaha v. City of Minneapolis* (D. Minn.)
- *Wolk v. City of Brooklyn Center* (D. Minn.)
- *Baldwin v. Miracle Ear, Inc.* (D. Minn.)
- *Brnich v. Siemens* (N.D. Ga.)

### **Additional Background Information**

#### **Education:**

- Juris Doctor
  - Mitchell Hamline School of Law
    - *magna cum laude*
    - Production Editor: Mitchell Hamline Journal of Public Policy and Practice
- Bachelor of Arts
  - University of Minnesota

#### **Court Admissions:**

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

# **EXHIBIT 3**





TOSTRUD LAW GROUP, P.C.  
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LOS ANGELES, CA 90067  
TEL: 310.278.2600  
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## FIRM RESUME

Tostrud Law Group, P.C. was founded in 2011 with offices in Los Angeles and Minneapolis. We have a diversified legal practice, and courts have appointed us to leadership positions in significant class action cases throughout the nation. Tostrud Law Group successfully represents plaintiffs in the areas of personal injury, securities and financial fraud, employment discrimination, unlawful employment practices including wage and hour disputes, product defect, consumer protection, antitrust, breach of contract, and intellectual property, False Claims Act, and human rights in both state and federal courts. Our clients include individuals, classes or groups of persons, businesses, and public and private entities.

### FIRM BIOGRAPHY:

**JON A. TOSTRUD**, Admitted to practice in the State of California and the State of Minnesota; U.S. District Court, District of Minnesota; U.S. District Court, Eastern District of California; U.S. District Court, Southern District of California; U.S. District Court, Northern District of California; U.S. District Court, Central District of California; *Education*: William Mitchell College of Law; *Memberships*: State Bar of California; State Bar of Minnesota.

**ANTHONY M. CARTER**, Admitted to practice in the Commonwealth of Virginia; U.S. District Court, Eastern District of Virginia; U.S. District Court, Western District of Virginia; U.S. District Court, District of North Dakota; *Education*: James E. Rogers College of Law at the University of Arizona; *Memberships*: State Bar of Virginia.

### **SETTLED CASES**

- a. **In Re: Pork Antitrust Litigation**, No. 18-cv-1776 (United States District Court for the District of Minnesota). Tostrud Law Group, P.C. was appointed to the Plaintiffs' Steering Committee in this antitrust litigation involving allegations of price-fixing by major pork manufacturer defendants. Plaintiffs negotiated a \$12.75M settlement with defendant JBS Foods, and most recently, a \$42M settlement with defendant Smithfield Foods, Inc.
- b. **Engquist, et al. v. City of Los Angeles** No. BC591331 (Superior Court of California, County of Los Angeles). Tostrud Law Group, P.C., served as co-counsel for a class of taxpayers who reside in the City of Los Angeles who paid taxes for gas services that were improperly collected by the City. Tostrud Law Group, P.C. sought refunds of taxes collected for gas services on behalf of consumers who paid the City Gas User Tax ("GUT") improperly collected by the City of Los Angeles. After several years of litigation, Plaintiffs negotiated a settlement in the amount of \$32.5 million for credit refunds of taxes improperly collected, as well as cessation of the tax.
- c. **Juan Jordan, et al. v. Meridian Bank, et al.**, No. 17-cv-5251 (United States District Court for the Eastern District of Pennsylvania). Tostrud Law Group, P.C. served as co-counsel in this class action on behalf of inside sales loan officers who were employed by Defendant Meridian Bank. Plaintiffs alleged Defendants violated the Fair Labor Standards Act and state labor laws by misclassifying them as exempt from receiving overtime pay and by failing to compensate them at the federally-mandated minimum wage. On March 19, 2019, the court granted conditional certification in part for those loan officers who were denied overtime wages for all time worked in excess of 40 hours per workweek. On April 3, 2019, the court approved the parties' form of notice to be

distributed to the putative class. On September 30, 2019, the court issued an order granting preliminary approval of settlement of the case.

- d. **Grahl v. Circle K Stores, Inc.**, No. 2:14-cv-305 (United States District Court for the District of Nevada). Tostrud Law Group, P.C., served as co-counsel for a nationwide class of Store Managers employed by defendant Circle K Stores. Plaintiffs alleged Circle K Stores knowingly misclassified its Store Managers as exempt employees and failed to properly pay them the required minimum and overtime wages. On August 26, 2015, the court granted Plaintiff's motion for conditional certification and agreed the case should proceed as a national class action. On December 21, 2018, the court preliminarily approved the parties' settlement of claims. On April 8, 2019, the parties received final approval of the \$8.25 million settlement for more than 1,200 current and former store managers who joined the case seeking to recover unpaid wages.
- e. **Granados v. County of Los Angeles**, No. BC361470 (Superior Court for the County of Los Angeles). Tostrud Law Group, P.C. served as co-counsel in this class action for the improper collection of telephone user taxes ("TUT") on behalf of all individuals and businesses in the unincorporated areas of the County of Los Angeles who paid for residential landline, business landline, and/or mobile telephone services. The Hon. Maren E. Nelson granted final approval of a \$16.9 million settlement for refunds of the telephone taxes on October 29, 2018.
- f. **McWilliams v. City of Long Beach**, No. BC361469 (Superior Court for the County of Los Angeles). Tostrud Law Group, P.C. served as co-counsel in this class action for the imposition and collection of a Utility Users Tax ("UUT") on behalf of all individuals and businesses within the City of Long Beach who paid for residential landline, business

landline, and/or mobile telephone services. In 2013, Plaintiffs won a landmark appeal in the California Supreme Court, allowing the case to proceed. The Hon. Maren E. Nelson granted final approval of a \$16.6 million settlement for refunds of the telephone taxes on October 30, 2018.

- g. **Eaton v. Hamilton Group Funding, et al.**, No. 18-cv-21463 (United States District Court for the Southern District of Florida). Tostrud Law Group, P.C. served as co-counsel in this class action on behalf of inside sales loan officers who were employed by Defendant Hamilton Group Funding. Plaintiffs alleged Defendant violated the Fair Labor Standards Act by misclassifying them as exempt from receiving overtime pay and by failing to compensate them at the federally-mandated minimum wage. In March 2019, the parties entered into a settlement agreement for an undisclosed amount and are currently awaiting final approval from the court.
- h. **Luis Bautista, et al. v. Carl Karcher Enterprises, LLC**, No. BC649777 (Superior Court of California, County of Los Angeles). Tostrud Law Group, P.C. served as co-counsel in a class action lawsuit for employees who worked for Carl's Jr. restaurants. Plaintiffs alleged that Carl's Jr.'s parent company, CKE, colluded with its franchisees to suppress the wages of the restaurant-based managers through a "no hire" agreement that expressly forbids franchises from employing or seeking to employ any of the restaurant-based managers who work for other franchisees or for CKE directly. Tostrud Law Group, P.C. recovered damages on behalf of the individual named plaintiffs, and successfully negotiated to permanently enjoin Defendants from enforcing the "no hire" term in its franchise agreement with franchisees.

- i. **Small v. University Medical Center of Southern Nevada**, No. 12-cv-395 (United States District Court for the State of Nevada). Tostrud Law Group, P.C. serves as co-counsel representing employees who allege defendant University Medical Center (“UMC”) failed to pay them properly for missed meal breaks under the Fair Labor Standards Act. After the court granted Plaintiffs’ motion for conditional certification on June 14, 2013, approximately 600 current and former UMC employees agreed to join the case. After a granting Plaintiffs’ motion to compel in July 2013, the court appointed a Special Master to oversee the discovery process. The Special Master ultimately made numerous factual findings in support of Rule 23 class certification and concluded in a 78-page Report and Recommendation that defendant UMC had failed to identify, preserve, search for, collect and process relevant evidence. Magistrate Judge Leen overruled Defendants’ objection on August 9, 2018 in a 123-page ruling. On May 29, 2019, the United States District Judge Andrew Gordon granted approval to a \$4.25 million dollar settlement of the action.
- j. **Lane v. First National Bank of Layton**, No. 01-15-0005-5682 (American Arbitration Association). Tostrud Law Group, P.C. helped secure a settlement for a group of former inside sales loan officers who worked for Respondent First National Bank of Layton (“Layton”) for alleged violations of the Fair Labor Standards Act and Maryland state labor laws. Claimants received compensatory damages due to Layton’s misclassification of its inside loan officers as exempt employees and failure to properly pay these employees the required minimum and overtime wages.
- k. **Rocha, et al. v. Gateway Funding**, No. 15-cv-00482 (United States District Court for the Eastern District of Pennsylvania). Tostrud Law Group, P.C. helped secure a seven figure settlement of behalf of a class of inside sales loan officers who worked for defendant

Gateway Funding. Plaintiffs received compensatory damages due to Gateway Funding's misclassification of its inside loan officers as exempt employees and failure to properly pay these employees the required minimum and overtime wages.

- l. **Ardon v. City of Los Angeles**, No. BC363959 (Superior Court for the County of Los Angeles). Tostrud Law Group, P.C., helped secure a \$92.5 million dollar settlement on behalf of millions of Los Angeles city residents and businesses who paid taxes for telephone services that were improperly collected by the city. In October 2016, the City of Los Angeles agreed to provide refunds of taxes collected for telephone services on behalf of consumers who paid telephone utility user taxes to the City of Los Angeles for residential landline, business landline, and mobile telephone services.
- m. **Struett v. Susquehanna**, No. 5:15-cv-176 (United States District Court for the Eastern District of Pennsylvania). Tostrud Law Group, P.C. helped secure a settlement on behalf of a Section 216(b) collective class and Rule 23 class of residential mortgage bankers for misclassification violations and failure to properly pay overtime wages.
- n. **Pomphrett, et al. v. American Home Bank, et al.**, No. 1:12-cv-10330 (United States District Court for the District of Massachusetts). Tostrud Law Group, P.C. helped achieve a seven figure settlement of behalf of a Section 216(b) collective class and Rule 23 class of several hundred former loan officers for the failure to pay overtime wages.
- o. **Wyler –Wittenberg, et al. v. Metlife Home Loans, Inc.**, No. 2:12-cv-00366 (United States District Court for the Eastern District of New York). Tostrud Law Group, P.C. helped achieve a seven figure settlement of behalf of a Section 216(b) collective class and Rule 23 class of current and former loan officers for the failure to pay overtime wages.

- p. **Ord, et al. v. First National Bank of Pennsylvania and F.N.B. Corp.**, No. 12-cv-00766 (United States District Court for the Western District of Pennsylvania). Tostrud Law Group, P.C. helped achieve a seven figure settlement of behalf of a Rule 23 class of several hundred account holders at First National Bank of Pennsylvania who were improperly charged overdraft fees on their checking accounts.
- q. **Molyneux, et al. v. Securitas Security Services, Inc.**, No. 4:10-cv-588 (United States District Court for the Southern District of Iowa). Tostrud Law Group, P.C. helped achieve a six figure settlement of behalf of a Section 216(b) collective class and Rule 23 class of hundreds of hourly paid security officers for failure to pay for off-the-clock work.
- r. **Hansen, et al v. Per Mar Security Services, et al**, No. 4:09-cv-00459 (United States District Court for the Southern District of Iowa). Tostrud Law Group, P.C. helped achieve a confidential settlement of behalf of a Section 216(b) collective class and Rule 23 class of hundreds of hourly paid security officers for back wages.

## **CASE PROFILES**

### **Current Cases**

- a. **In Re Turkey Antitrust Litigation**, No. 19-cv-08318 (United States District Court for the Northern District of Illinois). Tostrud Law Group, P.C. serves as co-counsel on behalf of indirect purchasers of turkey products from several turkey suppliers. Plaintiffs allege defendants violated federal and state antitrust laws by conspiring to illegally fix, raise, and maintain the price of turkey in order to secure massive profits. Plaintiffs are seeking damages sustained by them as a result of Defendants' unlawful behavior.
- b. **In Re Cattle and Beef Antitrust Litigation**, No. 20—cv-01319 (United States District Court for the Northern District of Minnesota). Tostrud Law Group, P.C. was appointed to

the Plaintiffs’ Steering Committee on behalf of indirect purchasers of beef products from several beef suppliers. Plaintiffs allege Defendants violated federal and state antitrust laws by conspiring to illegally fix, raise and maintain the price of beef.

- c. **Gustavo Lopez De La Fuente, et al. v. American Family Insurance, et al.**, No. 19HA-cv-21-717 (Minnesota Judicial Branch, First Judicial District). Tostrud Law Group, P.C. serves as co-counsel on behalf of a group of Hispanic individuals who paid premiums for insurance services from Defendant American Family Insurance (“AFI”) when, in fact, there was no insurance coverage. Plaintiffs seek damages sustained by them as a result of Defendants’ fraudulent conduct and an award of actual and punitive damages to all class members.
- d. **Nicolás Montalvo v. California Lutheran University**, No. 21STCV38140 (Superior Court for the County of Los Angeles). Tostrud Law Group, P.C. serves as co-counsel seeking to represent a class of students who paid tuition and fees to attend Defendant California Lutheran University for the time period affected by COVID-19 and had their course work moved to online learning. Plaintiffs seek reimbursement of those fees and tuition paid to Defendant for the time Plaintiffs did not receive the benefits of the on-campus, in-person educational experience.
- e. **Springmeyer v. Marriott International, Inc.**, No. 20-cv-00867 (United States District Court for the District of Maryland). Tostrud Law Group, P.C. serves as co-counsel seeking to represent a class of consumers whose personal information was stolen from Defendant Marriott International. Plaintiffs allege Marriott failed in its duty to protect its guests’ sensitive information by not implementing adequate and reasonable cyber-security



procedures and protocols for its databases. Plaintiffs seek an injunction and award of damages as a result of Defendant's negligent and unlawful actions.

- f. **In Re: Plaid Inc. Privacy Litigation**, No. 20-cv-3056 (United States District Court for the Northern District of California). Tostrud Law Group, P.C. serves as co-counsel seeking to represent a class of individual users of the financial application, Venmo, created by Defendant Plaid Inc. Plaintiffs allege Defendant improperly collects the transactional history and other financial data of its app users without consent and sells this data to third parties. Plaintiffs seek declaratory and injunctive relief as well as an award of damages as a result of Defendants' unlawful actions.
- g. **Angell Chevas, et al. v. California Baptist University**, No.CVRI2000805 (Superior Court of California, County of Riverside). Tostrud Law Group, P.C. serves as co-counsel seeking to represent a class of students attending California Baptist University who were deprived of the benefit of on-campus learning due to the cancellation of classes due to COVID-19. Plaintiffs allege Defendant failed to issue tuition refunds despite Plaintiffs' inability to receive on-campus instructions and access campus facilities. Plaintiffs seek injunctive relief and a return of monies wrongfully obtained for tuition and fees.
- h. **In Re: TikTok, Inc. Consumer Privacy Litigation**, No. 20-cv-4699 (United States District Court for the Northern District of Illinois). Tostrud Law Group, P.C. serves as co-counsel seeking to represent a class of individual users of the social media platform, TikTok, created and administered by Defendants. Plaintiffs allege TikTok improperly scans and collects users' biometric identifiers in violation of the state of Illinois' Biometric Information Privacy Act ("BIPA"). Plaintiffs seek an injunction and an award of statutory damages to all class members.

- i. **O'Garro v. City of Jersey City**, No. 20-cv-5282 (United States District Court for the District of New Jersey). Tostrud Law Group, P.C. serves as co-counsel on behalf of persons with mobility disabilities against Defendants Mayor Steven Fulop and the City of Jersey City. Plaintiffs are seeking declaratory and injunctive relief for Defendants' failure to provide accessible pedestrian rights of way within the City of Jersey City in violation of Title II of the Americans with Disabilities Act.
- j. **In Re: Pork Antitrust Litigation**, No. 18-cv-1776 (United States District Court for the District of Minnesota). Tostrud Law Group, P.C. was appointed to the Plaintiffs Steering Committee by the Honorable Hildy Bowbeer on behalf of indirect purchasers of pork products from defendant pork suppliers. Plaintiffs allege defendants violated federal and state antitrust laws by conspiring to illegally fix, raise, and maintain the price of pork in order to secure massive profits. Plaintiffs are seeking damages sustained by them as a result of Defendants' unlawful behavior.
- k. **In Re: Generic Pharmaceuticals Pricing Antitrust Litigation**, MDL No. 2724 (United States District Court for the Eastern District of Pennsylvania). Tostrud Law Group, P.C. was appointed to serve on the Plaintiffs Steering Committee as counsel in a class action lawsuit seeking to represent thousands of independent pharmacies against several defendant generic drug manufacturers. Plaintiffs allege these drug manufacturers violated federal and state antitrust laws. Plaintiffs seek damages sustained by them as a result of Defendants' unlawful behavior and an award of statutory damages to all class members.
- l. **In Re EKSO Bionics Holding Corp. Derivative Litigation**, No. 18-cv-1348 (United States District Court for the Northern District of California). Tostrud Law Group, P.C. serves as liaison counsel in this shareholder derivative action for the benefit of

LendingClub shareholders who were damaged by, among other things, certain of LendingClub's officers and directors who made false and misleading statements and representations about the company's financial condition and future business prospects. Plaintiffs seek damages sustained by them as a result of Defendants' breach of fiduciary duties owed to their company.

In addition, while with the firm of Cuneo Gilbert & LaDuca, LLP, Mr. Tostrud headed the wage and hour practice and was appointed lead or co-lead counsel and achieved seven-figure and eight-figure settlements in several class and collective actions including:

- a. **Nerland v. Caribou Coffee, Inc. et al.**, Civil No. 05-1847 (United States District Court for the District of Minnesota). As co-lead class counsel, Cuneo Gilbert & LaDuca, LLP achieved a \$2.7 million settlement on behalf of retail store managers improperly classified as exempt from overtime. The class action suit first filed in 2005, charged Caribou with wrongfully denying overtime pay due to current and former Caribou store managers. The lawsuit contended that Caribou misclassified its Store Manager position as exempt under the Minnesota and Federal Fair Labor Standards Acts to avoid paying overtime compensation. After nearly three years of litigation, the parties entered into a Settlement whereby, the Court granted final approval and Caribou Coffee Co. compensated participating class members.
- b. **Oliva, et al v. International Coffee and Tea, LLC d/b/a The Coffee Bean and Tea Leaf, et al.**, Case No. BC296435 (Superior Court of the State of California, County of Los Angeles). As co-lead class counsel, Cuneo Gilbert & LaDuca, LLP achieved a seven-figure settlement on behalf of retail store managers improperly classified as

exempt from overtime, as well as hourly-paid barristas who were not compensated for their meal and rest breaks.

- c. **Lagunas v. Cargill Meat Solutions Corp.**, Case No. 10-cv-00220 (United States District Court for the Southern District of Iowa) (Final approval - 1/27/11). Cuneo Gilbert & LaDuca, LLP served as co-lead counsel in six-figure class settlement on behalf of meat processing plant employees who were not properly paid for donning and doffing activities performed before their shifts, during meal breaks and after their shifts.
- d. **Wineland, et al v. Casey's General Stores, Inc.**, No. 08 CV 00020 (United States District Court for the Southern District of Iowa) (Final approval 10/22/09). Cuneo Gilbert & LaDuca, LLP along with co-counsel was appointed lead counsel and achieved a seven figure settlement on behalf of a Section 216(b) collective class and Rule 23 class of over 60,000 cooks and cashiers for unpaid wages, including time worked before and after their scheduled shifts and while off-the-clock.
- e. **Cedeno et al v. Home Mortgage Desk. Corp. et al.**, No. 08 CV 1168 (United States District Court for the Eastern District of New York) (Final approval - 6/15/10). Cuneo Gilbert & LaDuca, LLP along with co-counsel was appointed lead counsel and achieved a six figure settlement on behalf of a Section 216(b) collective class of loan officers deprived of overtime wages.
- f. **Jones, et al v. Casey's General Stores, Inc.**, No. 07 CV 400 (United States District Court for the Southern District of Iowa) (Final approval - 10/22/09). Cuneo Gilbert & LaDuca, LLP along with co-counsel was appointed lead counsel and achieved a seven figure settlement on behalf of a Section 216(b) collective class and Rule 23 class of

more than 6,000 assistant store managers for unpaid wages, including time worked before and after their scheduled shifts and while off-the-clock.

In addition to the above representative cases, Tostrud Law Group, P.C. is currently prosecuting several other class and/or collective actions, including data breach and privacy cases, product liability and securities fraud class actions, and several antitrust cases against large companies.

# **EXHIBIT 4**

## **BOIESBATTIN LLP FIRM RESUME**

BoiesBattin LLP is widely recognized as a leading law firm in the fields of antitrust and consumer protection class action litigation. With offices in Virginia, Florida, California, and Colorado, the firm's lawyers have successfully prosecuted antitrust and consumer protection claims in federal and state courts throughout the United States.

Founded in 1995, the firm has been at the forefront of national efforts to bring to heel corporations engaged in restraints of trade, consumer fraud, and other unlawful conduct. The firm has been lead counsel in some of the largest class actions in the past decade, including the vitamins and DRAM litigations. BoiesBattin lawyers have also led litigation efforts against manufacturers of agricultural and refrigeration products for violations of competition laws and a major insurance carrier for breach of its fiduciary duty to a certified class of policyholders. Recognized by courts, private practitioners, and law enforcement authorities throughout the United States as competent, experienced, and vigilant, BoiesBattin lawyers have recovered hundreds of millions of dollars for consumers and businesses.

## **The Firm's Attorneys**

### **David Boies**

Mr. Boies is Senior Partner at BoiesBattin. His practice is focused on representing individuals and businesses in antitrust and consumer protection litigation in state and federal courts. He has a national reputation in the indirect purchaser antitrust litigation realm, and has served as a speaker and panelist for the American Bar Association and other legal organizations. Mr. Boies has served as sole lead or co-lead counsel in numerous antitrust and consumer protection class actions. He is admitted to practice in all state and federal courts in the Commonwealth of Virginia, as well as the United States Courts of Appeals for the Fourth and Tenth Circuits.

Mr. Boies obtained his bachelor's degree from the University of Redlands and his law degree from William & Mary Law School (J.D. 1991). Prior to joining the Firm, Mr. Boies represented individuals and corporations as an attorney in the Washington, D.C. offices of national law firms in the practice areas of corporate litigation, international trade, and white collar criminal defense.

### **Timothy D. Battin**

Mr. Battin, the managing partner at BoiesBattin, has a wealth of experience in complex litigation. He has served as lead counsel in numerous antitrust and consumer protection class actions in state and federal courts around the country, resulting in recoveries of hundreds of millions of dollars for consumers. Mr. Battin has prosecuted cases across a broad spectrum of industries, including, pharmaceuticals, food additives, vitamins, agricultural and computer-based products. He has served as lead or co-lead counsel in a number of cases including:

- ***Northwestern Mutual Insurance Litigation.*** Mr. Battin served as co-lead counsel in



state and federal court actions alleging that Northwestern Mutual Life Insurance Company breached its contractual and fiduciary duties to owners of certain investment annuities it issued. This case was litigated in multiple jurisdictions and was ultimately settled for \$84 million.

- ***Dynamic Random Access Memory Antitrust Litigation.*** Mr. Battin served as co-lead counsel in state and federal court actions alleging price fixing among makers of computer memory chips. Settlements totaling more than \$300 million were approved in the United States District Court for the Northern District of California.
- ***Processed Egg Products Antitrust Litigation.*** Mr. Battin served as co-lead counsel for indirect purchasers alleging a market allocation scheme in the egg industry.

Mr. Battin, a recognized authority on the prosecution of class actions, has lectured on issues of coordination between attorneys general and private lawyers in class cases. He serves on a Rule 23 Subcommittee for the District of Columbia Rules Advisory Committee. Mr. Battin obtained his undergraduate degree in business from Old Dominion University (B.S. 1987) and his law degree from the College of William & Mary (J.D. 1990). He is a member of the bars of the District of Columbia, Virginia, Florida, and Missouri (inactive) and is also admitted to practice before the United States District Courts for the Eastern District of Virginia, Eastern District of Michigan and the District of Columbia, and the United States Courts of Appeals, Fourth and District of Columbia Circuits.

**Nathan M. Cihlar**

Mr. Cihlar is a partner in the Virginia office of BoiesBattin. Throughout his career, he has prosecuted complex and class action litigation with a focus on antitrust, consumer protection and product liability claims. Since joining the firm, Mr. Cihlar has been highly involved in the

litigation of numerous large, multi-faceted nationwide cases from inception to conclusion. He has served in prominent roles in the litigation of, among others, antitrust class actions against the manufacturers of Dynamic Random Access Memory, monosodium glutamate, oriented strand board, LCD panels, and Cathode Ray Tubes. Additionally, Mr. Cihlar currently serves as the trial planning committee chair in the Blue Cross Blue Shield antitrust litigation. Mr. Cihlar has significant experience with litigation involving international defendants and foreign language issues. He has served as foreign language discovery lead in both the LCD and CRT litigations. In doing so, he has successfully represented numerous plaintiff classes and helped recover hundreds of millions of dollars for consumers.

Mr. Cihlar obtained his bachelor's degree from Georgetown University (B.S. Finance and Marketing 1999), and his law degree from William & Mary Law School (J.D. 2004). He is admitted to practice in Virginia, the District of Columbia and before the United States District Court for the Eastern District of Virginia.

**Christopher V. Le**

Christopher Le is a partner in the Virginia office. He has extensive experience representing groups of plaintiffs in complex civil cases in state and federal courts across the country. Mr. Le has litigated numerous class actions from initial filing through trial or settlement. He has negotiated the resolution of several significant antitrust and consumer cases and help recover hundreds of millions of dollars for class members. Mr. Le has lectured on the unique challenges professional objectors present to class settlements and strategies to deal with them. Mr. Le obtained his bachelor's degree from The University of Virginia (B.A. 2004) and his law degree from Case Western Reserve University (J.D. 2007, *cum laude*).

**Barry Boughman**

Mr. Boughman served as an Assistant United States Attorney for the District of Colorado from 1986 to 1988, when he entered private practice. He also served as Law Clerk for the Honorable Michael R. Enwall, District Court Judge for the 20th Judicial District in Boulder, Colorado from 1984 to 1985. He obtained his bachelor's degree from the University of Northern Colorado (B.A. 1980) and his law degree from the University of Colorado School of Law (J.D. 1984). He is admitted to practice in Colorado as well as before the United States Court of Appeals for the Tenth Circuit and the United States District Court for the District of Colorado.

**Steven M. Feder**

Mr. Feder obtained his bachelor's degree from Miami University (Ohio) (B.S. 1982) and his law degree from the University of Colorado School of Law (J.D. 1985, Order of the Coif). He is admitted to practice in Colorado and Illinois, as well as before the United States Supreme Court, the United States Court of Appeals for the Tenth Circuit, and the United States District Courts for the Districts of Colorado and Connecticut. He served as a prosecutor in Colorado's Eighteenth Judicial District from 1985 to 1990, before entering private practice.

**Shinae Kim-Helms**

Ms. Kim-Helms is a partner and represents consumers and businesses in cases involving price fixing, monopolization, and other anticompetitive practices. Prior to joining BoiesBattin, Ms. Kim-Helms worked on cases involving patent and trademark infringement. Since joining the firm in 2010, Ms. Kim-Helms has been involved in litigating cases against the manufacturers of LCD panels, cathode ray tubes, lithium ion batteries, and auto parts.

Ms. Kim-Helms obtained her bachelor's degree from Seoul National University (B.S. Agrobiology), her master's degree from Yonsei University (M.S. Biochemistry) and her law degree from Golden Gate University, School of Law (J.D. 2005). Ms. Kim Helms' article on

licensing agreements was published in Les Nouvelles, a quarterly licensing journal published by the Licensing Executives Society. Ms. Kim-Helms is fluent in Korean and Japanese. She is admitted to practice in California and before the United States District Court for the Northern District of California and the United States Patent and Trademark Office.

**Joshua Callister**

Mr. Callister is an associate attorney working in the Fairfax, Virginia office. He practices primarily in complex antitrust cases, and has experience in both government regulatory work and complex litigation. Since joining BoiesBattin, Mr. Callister has worked extensively with electronic discovery issues in the Blue Cross Blue Shield and Local TV Ads litigations.

Prior to joining the firm in 2018, Mr. Callister worked as a director with a non-profit organization in Washington D.C. focused on developing relationships between the United States and the Middle East. Since joining the firm, he has worked on the Blue Cross Blue Shield, Broilers Chicken, and Packaged Seafood antitrust litigations. A 2016 graduate of the George Washington University Law School, Mr. Callister had the opportunity to clerk with a leading D.C. regulatory firm, during which time he co-authored an article published in the Food and Drug Law Institute, and previously consulted on multi-year complex litigation involving U.S. sugar growers and high fructose corn syrup manufacturers. Mr. Callister speaks Japanese.

**Brian Drockton**

Mr. Drockton is an associate attorney working in the Fairfax, Virginia office. He practices primarily in complex antitrust cases. Prior to joining the firm in 2022, Mr. Drockton clerked for Judge Victor Wolski on the U.S. Court of Federal Claims. Mr. Drockton received a bachelor's degree from the University of Notre Dame in 2017 and his JD from the University of Texas School of Law in 2020.

**Partial List of Recent Cases in Which BoiesBattin, LLP Has  
Served as Lead Counsel**

***Dynamic Random Access Memory (DRAM)***

BoiesBattin LLP, served as co-lead counsel in these coordinated multi-state proceedings against the manufacturers of Dynamic Random Access Memory chips (DRAM) for the violation of various state's antitrust/consumer protection laws. It was alleged that the DRAM manufacturers entered into and engaged in a conspiracy in the United States and elsewhere to suppress and eliminate competition by fixing the prices of DRAM. Through the work of BoiesBattin LLP and its co-lead counsel, indirect purchasers were able to reach settlements with all defendants totaling more than \$300 million. These settlements were approved by the United States District Court for the Northern District of California in June 2016.

***Northwestern Mutual Life Insurance Annuity Litigation***

BoiesBattin served as co-lead counsel on behalf of thousands of purchasers of Northwestern Mutual Life Insurance Company ("Northwestern") annuities. The lawsuit accused Northwestern of deliberately stripping annuity policyholders of their dividend rights. BoiesBattin litigated the case in multiple jurisdictions. The case went to trial, where BoiesBattin won a verdict on all material issues. Ultimately, the case settled for \$84 million.

***In re Cathode Ray Tube (CRT) Antitrust Litigation***

BoiesBattin served a leading role in the CRT litigation. Plaintiffs accused CRT manufacturers of conspiring to fix the prices of CRT screens used for computer monitors and televisions sold nationwide. Approval for settlements totaling over \$500 million was granted by the United States Court of the Northern District of California.

***Thin-Film Transistor Liquid Crystal Display (TFT-LCD)***

BoiesBattin served a leading role in the TFT-LCD litigation. Plaintiffs alleged that defendants

conspired to fix the prices of TFT-LCD panels used in laptop computers, computer monitors, and television. The case was settled for \$1.1 billion in the United State District Court for the Northern District of California.

### ***Vitamins***

As lead counsel in coordinated multi-state proceedings of more than 50 indirect purchaser classes and *parens patriae* actions filed in 23 separate state jurisdictions against the international manufacturers of bulk vitamins, BoiesBattin negotiated a series of settlements with the defendants. The first settlement secured by BoiesBattin was at that time the largest ever indirect purchaser antitrust settlement. BoiesBattin's efforts in resolving the state vitamins indirect purchaser actions included leading coordinated alternative dispute resolution proceedings sanctioned by state courts throughout the country, and involved scores of plaintiffs' counsel, numerous counsel for foreign defendants, and the State Attorneys General.

### ***Food Additives***

As sole lead counsel for more than 10 indirect purchaser state class action claims filed across the country, BoiesBattin effectively advanced the claims of indirect purchasers against the manufacturers of food additives for an illegal price-fixing conspiracy that affected consumer prices for well over a decade. The cases allege that the major manufacturers of certain food additives conspired to fix prices during the period January 1, 1990 through 2002. BoiesBattin received final approval of a global settlement which provided millions to the affected class members.

### ***Eggs***

BoiesBattin LLP was co-lead counsel of indirect purchasers across the country and in 17 jurisdictions alleging a conspiracy to fix the prices of eggs. This litigation involved complicated claims related to cage space restrictions in a multi-billion dollar industry.

**Partial List of Other Actions  
Prosecuted by BoiesBattin**

***Antitrust Actions***

**Blue Cross Blue Shield**

1. *In re: Blue Cross Blue Shield Antitrust Litigation, No. 2:13-cv-20000-RDP (N.D. Ala.).*

BoiesBattin LLP has been involved in ongoing representation of plaintiff subscribers of the Individual Blue Plans including 60 defendants from across the nation, as well as the Blue Cross Blue Shield Association. Partners of our firm serve prominent roles, including chair of the trial planning committee. This action seeks to recover damages for classes of subscribers caused by an ongoing conspiracy amongst the Blues to allocate markets in violation of the Sherman Act.

**Broilers Chicken**

2. *In re: Broiler Antitrust Litigation, No. 1:16-cv-08637 (N.D. Ill.).*

BoiesBattin LLP has been involved in ongoing representation of commercial and institutional indirect purchaser plaintiffs against broiler chicken producers for conspiring to fix, raise, maintain and stabilize the price of broiler chicken meat sold in the United States since as early as January 1, 2008. Broilers sold in the United States are controlled by a small number of large producers all of which are involved with this conspiracy.

**Packaged Seafood**

3. *In re: Packaged Seafood Products Antitrust Litigation, No. 3:15-md-02670-JLS-MDD (S.D. Cal.).*

BoiesBattin LLP has been involved in ongoing representation of end-payer plaintiffs against major canned tuna fish manufacturers, including Bumble Bee Foods LLC,

StarKist Company, and Tri-Union Seafoods LLC for conspiring to fix the prices of tuna sold in the United States beginning on August 1, 2008 in violation of the Sherman Act and of the Clayton Act. Defendants agreed to artificially increase prices in spite of falling consumer demand, which continues to harm plaintiffs today.

### **Monosodium Glutamate**

4. *Ashley v. Archer Daniels Midland Co., et al.*, Circuit Court of DeKalb County, Alabama, CV-95-336, **Co-lead Counsel**.
5. *Caldwell, et al. v. Archer Daniels Midland Co., et al.*, Circuit Court of Coosa County, Alabama, Civil Action No. CV-96-17, **Co-lead Counsel**.
6. *Madelon J. Lief, et al. v. Archer Daniels Midland Co.*, Circuit Court of Dan County, Wisconsin, Civil Docket No. 02CV3697.

### **Vitamins**

7. *Donaldson, et al. v. Degussa Huls Corporation, et al.*, Circuit Court of Cullman Co. Alabama, C.A. No. 99-406, **Co-lead Counsel**.
8. *Giral, et al. v F. Hoffman LaRoche Ltd., et. al.*, Superior Court of the District of Colombia, Civil Division, Case No. 0007467-98, **Lead Counsel**.
9. *Graham v. Hoffman LaRoche, et al.*, Superior Court for the State of California, County of Yolo, No. CV 98-00046, J.C.C.P. No. 4076, **Executive Committee**.
10. *Shaklee Corp. v. Degussa-Huls Corp, et al.*, Superior Court of San Francisco County, California, Case No. 308636, J.C.C.P. Nos. 4090 and 4096.
11. *In re Vitamins Antitrust Litigation*, United States District Court for the District of Columbia, MDL 1285, **Executive Committee and Liaison Counsel**.

### **Pharmaceuticals**

12. *In re Brand-Name Prescription Drugs Antitrust Litigation*, United States District Court for the Northern District of Illinois, MDL 997.
13. *In re Ciprofloxacin Hydrochloride Antitrust Litigation*, United States District Court for the Eastern District of New York, MDL 1383.
14. *Drug Mart Pharmacy Corporation v. Abbot Laboratories, et al.*, Supreme Court of the State of New York, County of Kings, No. 29126-99.



15. *Durrett v. The Upjohn Co., et al.*, Circuit Court of Tuscaloosa County, Alabama, Civil Action No. CV-97-170, **Co-lead Counsel**.
16. *Goda, et al. v. Abbott Laboratories, Inc.*, Superior Court for the District of Columbia, Civil Docket No. 01445-96.
17. *Holdren, et al. v. Abbott Laboratories, Inc.*, District Court of Johnson County, Kansas, Case No. 96C15994.
18. *Huggins, et al. v. Abbott Laboratories, Inc., et al.*, Circuit Court for Chambers County, Alabama, Case No. CV-96-024-Cl.
19. *Karofsky v. Abbott Laboratories, Inc., et al.*, Superior Court of Cumberland County, Maine, Civil Docket No. 95-1009.
20. *Kerr v. Abbott Laboratories, Inc., et al.*, District Court of Hennepin County, Minnesota, No. MC-96-002837.
21. *Long v. Abbott Laboratories, Inc., et al.*, General Court of Justice Superior Court Division for Mecklenburg County, North Carolina, Civil Action No. 97 CVS 8289.
22. *McLaughlin, et al. v. Abbott Laboratories, Inc.*, Superior Court for Yavapai County, Arizona, No. 1-CA-SA-96-0215.
23. *Meyers v. Abbott Laboratories, Inc., et al.*, Circuit Court for Davidson County, Tennessee, No. 970612.
24. *Scholfeld v. Abbott Laboratories, Inc., et al.*, District Court for Dane County, Wisconsin, No. 96-CV-0460.
25. *Wood v. Abbott Laboratories, Inc., et al.*, Circuit Court of Oakland County, Michigan, No. 96-5125610CZ.
26. *Yasbin, et al. v. Abbott Laboratories, Inc.*, Circuit Court for the Eleventh Judicial District for Dade County, Florida, C.A. No. 97-1141-CA 03.

### **Vitamin C**

27. *Audette v. Hebei Welcome Pharmaceutical Co. Ltd., et al.*, Commonwealth of Massachusetts, Case No. 2005-00182-C.
28. *In re Vitamin C Antitrust Litigation*, United States District Court for the Eastern District of New York, MDL No. 1738, **Co-Lead Counsel**.

### **Polyester**

29. *Augusta Sullivan and Rose Marie Farina v. Wellman, Inc., et al.*, Commonwealth of Massachusetts, Case No. 02-4872 C.
30. *Briscoe, et al. v. DuPont E.I. Nemours & Co., et al.*, Superior Court for the District of Columbia, C.A. No. 02ca0010508.
31. *Polyester Staple Cases*, Superior Court of California, Judicial Council Coordination Proceeding No.: JCCP No. 4278.
32. *Thomaston Mills, Inc., et al. v. DuPont E.I. Nemours & Co., et al.*, United States District Court for the Western District of North Carolina, Civil Action No. 3:02-CV-474-V.

### **DRAM Microchips**

33. *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, United States District Court for the Northern District of California, MDL No. 1486, **Co-Lead Counsel**.
34. *Hamilton v. Elpida Memory Inc., et al*, Commonwealth of Massachusetts, County of Suffolk, The Superior Court, Case No. 04-3264.

### **Air Industry**

35. *In re Air Cargo Shipping Services Antitrust Litigation*, United States District Court for the Eastern District of New York, Case No. 06-MD-1775.
36. *In re American Airlines Antitrust Litigation*, United States District Court for the District of Kansas, Case No. 99-1187-MLB, **Chair of Executive Committee**.
37. *In re International Air Transportation Surcharge Antitrust Litigation*, United States District Court for the Northern District of California, Case No. 06-cv-1793.
38. *McCoy-Johnson, et al. v. Northwest Airlines, Inc. and Northwest Airlines Corp.*, United States District Court for Western District of Tennessee, Western Division, No. 99-2994 GV, **Chair of Executive Committee**.

### **Aspartame**

39. *In re Aspartame Antitrust Litigation*, United States District Court for the Eastern District of Pennsylvania, No. 06-CV-1732, **Co-lead Counsel**.

### **Intel**

40. *Dressed to Kill Custom Draperies v. Intel Corp.*, United States District Court for the Northern District of California, C 05 3272.

41. *In re Intel Corporation Microprocessor Antitrust Litigation*, United States District Court for the District of Delaware, C 05 485
42. *Juan v. Intel Corp.*, United States District Court for the Northern District of California, C 05 3271.
43. *Kinder v. Intel Corp.*, United States District Court for the Northern District of California, C 05 3273.
44. *Rush v. Intel Corp.*, United States District Court for the Northern District of California C 05 3277.

**Microsoft**

45. *Crain v. Microsoft Corporation, et al.*, Superior Court for the State of California, County of Yolo, No. CV 99-1740, J.C.C.P. No. 4106.
46. *Dunham v. Microsoft Corporation, et al.*, Superior Court of the State of California, County of Sonoma, No. 223291, J.C.C.P. No. 4106.
47. *Saams, et al. v. Microsoft Corporation, et al.*, Superior Court for the State of California, County of San Francisco, CV 308015, J.C.C.P. No. 4106.

**Other Products and Industries**

48. *In re Disposable Contact Lens Antitrust Litigation*, United States District Court for the Middle District of Florida, Jacksonville Division, MDL 2626.
49. *In re Lithium Ion Batteries Antitrust Litigation*, United States District Court for the Northern District of California, Oakland Division, MDL 2420.
50. *In re Automotive Parts Antitrust Litigation*, United States District Court for the Eastern District of Michigan, Southern Division, Case No. 12-cv-2311.
51. *In re Citric Acid Antitrust Litigation*, United States District Court for the Northern District of California, MDL 1092.
52. *In re Commercial Tissue Products*, United States District Court for the Northern District of Florida, Gainesville Division, MDL 1189, Case No. 97-CV-128.
53. *In re Flash Memory Antitrust Litigation*, United States District Court for the Northern District of California, Case No. 07-cv-086.

54. *In re Foreign Currency Conversion Fee Antitrust Litigation*, United States District Court for the Southern District of New York, MDL 1409.
55. *In re High Fructose Corn Syrup Antitrust Litigation*, United States District Court for the Central District of Illinois, MDL 1087.
56. *In re Methionine Antitrust Litigation*, United States District Court for the Northern District of California, MDL 1311.
57. *In re Online DVD Rental Antitrust Litigation*, United States District Court for the Northern District of California, MDL 2029.
58. *In re OSB Antitrust Litigation*, United States District Court for the Eastern District of Pennsylvania, Case No. 06-826, **Co-lead Counsel**.
59. *In re Processed Egg Products Antitrust Litigation*, United States District Court for the Eastern District of Pennsylvania, Case No. 08-md-2002, **Co-lead Counsel**.
60. *In re Refrigerant Compressors Antitrust Litigation*, United States District Court for the Eastern District of Michigan, Case No. 2:09-02042.
61. *Robbins, LLC v. Cabot Corporation, et al.*, United States District Court for the District of Massachusetts, Case No. 03-CV-11072DPW.
62. *Seven Up Bottling Company of Jasper, Inc. v. Archer Daniels Midland Co., et al.*, Circuit Court of Walker County, Alabama, Civil Action No. 95-436, **Co-lead Counsel**.
63. *In re Static Random Access Memory (SRAM) Antitrust Litigation*, United States District Court for the Northern District of California, Oakland Division, Case No. 07-cv-1819.
64. *Thomas and Thomas Rodmakers, Inc., et al. v. Newport Adhesives and Composites, Inc. et al.* United States District Court Central Division, No. CV-99-07796-GHK (CTx).
65. *In re Hypodermic Products Antitrust Litigation*, United States District Court for the District of New Jersey, Case No. 05-cv-1602.
66. *In re Residential Telephone Lease Contract Litigation*, Southern District of Alabama, MDL 1165, **Co-lead Counsel**.
67. *Park Surgical Co. Inc., et al. v. Becton Dickinson & Company*, Civil Action No. 05 CV 5678 (E.D. Pa.)(CMR).
68. *Smith v. GTE Corp., et al.*, United States District Court for the Middle District of

Alabama, Case No. 97-M-1025, **Co-lead Counsel**.

69. *Southeast Missouri Hospital, Saint Francis Medical Center v. C.R. Bard Inc.*, United States District Court for the Eastern District of Missouri, Southeastern Division, Case No. 07-cv-031, **Co-lead Counsel**.
70. *Sparks, et al. v. AT&T Corporation, et al.*, Circuit Court, Third Judicial Circuit, Madison County, Illinois, Case No. 96-LM-983.
71. *Sparks, et al. v. Lucent Technologies, et al.*, Circuit Court, Third Judicial Circuit, Madison County, Illinois, Case No. 01-L-1668.
72. *Wilson v. Toys R Us, et al.*, Circuit Court of Tuscaloosa County, Alabama, Civil Action No. CV-96-574, **Co-lead Counsel**.

### ***Securities Actions***

73. *In re Alliance, Franklin/Templeton, Bank of America/Nation Funds, and Pilgrim Baxter [Franklin Templeton Subtrack] v. Sharkey Iro/Ira v. Franklin Resources, et al.*, United States District Court for the District of Maryland, Case No. 04-MD-15862.
74. *Casey v. Prudential Securities, Inc.*, Supreme Court of the State of New York, County of Albany, Index. No. 3462-97.
75. *In re Medpartners Securities Litigation*, United States District Court for the Northern District of Alabama, CV-98-B-0067-S.
76. *In re Mutual Funds Investment Litigation*, United States District Court for the District of Maryland, MDL 1586.
77. *In re NASDAQ Market-Makers Antitrust Litigation*, United States District Court for the Southern District of New York, MDL 1023.
78. *Milne v. Mercury Finance Co., et al.*, United States District Court for the Northern District of Illinois, No. 97-C-1536.
79. *Ronald Lankford v. Jos. A. Banks Clothiers, Inc.*, Circuit Court of Madison County, Alabama, Case No. CV03-204LHL.
80. *In re Vesta Insurance Group, Inc. Securities Litigation*, United States District Court for the Northern District of Alabama, CV 98-AR-1407-S, **Liaison Counsel**.
81. *Vivian Bernstein v. Janus Capital Management, LLC, et al.*, United States District Court, District of Colorado, Case No. 03-B-1798.

### ***Products Liability Actions***

82. *In re Bridgestone/Firestone, Inc. ATX, ATX II and Wilderness Tires Products Liability Litigation*, United States District Court for the Southern District of Indiana, Indianapolis Division, MDL 1373, (Tires).
83. *In re Cigarette Litigation*, United States District Court for the Northern District of Georgia, CV-0447 (MDL 1342).
84. *Hodge, et al. v. Eastman Chemical Company*, Circuit Court of Jefferson County, Tennessee, Civil Action No. 16.351 IV, **Co-lead Counsel**, (Photography Chemicals).
85. *Rampey v. Novartis Consumer Health, Inc.*, Circuit Court of Chambers County, Alabama, CV-97-174, **Co-lead Counsel**, ( Ex-Lax).
86. *In re Zurn Pex Products Liability Litigation*, United States District Court for the District of Minnesota, Case No. 08-md-1958, **Class Counsel**.

### ***Miscellaneous Actions***

In addition to the above listed suits, BoiesBattin LLP has been involved in numerous other fields of litigation:

87. ALCOHOL - BoiesBattin LLP lead the fight against numerous alcoholic beverage manufacturers and distributors for illegally advertising to underage children. *Ayman R. Hakki, et al. v. Zima Company, et al.*, Superior Court for the District of Columbia, Case No. 1:03 CV 02621; *Randy Kreft and Colleen Kreft, et al. v. Zima Beverage Company, et al.*, District Court, City & County of Denver, Colorado, Case No. 03-CV-9229; *Ronald P. Wilson, Andrea B. Wilson and Joseph A. Wilson, et al. v. Zima Company, et al.*, Superior Court, County of Mecklenburg, State of North Carolina, Case No. 04-CV-626.
88. GENETICALLY MODIFIED CROPS – BoiesBattin LLP has also been involved in litigation regarding broad contamination due to genetically modified crops. *Blades, et al. v. Monsanto Co.*, United States District Court for the Southern District of Illinois, CV 00-4034-DRH (soy); *In re Genetically Modified Rice Litigation*, United States District Court for the Eastern District of Missouri, No. 4:06-MD 1811 CDP (rice).
89. PAN AM VICTIMS – BoiesBattin LLP represents family members of the victims of the terrorist act on Pan Am Flight 103. *Curtis W. Fisher, et al. v. Abdel Basset Ali Mohamed Al-Megrahi, et al.*, D.D.C. 04-02055 (HHK); *Lawrence P. Fisher II v. Great Socialist People's Libyan Jamahiriya, et al.*, D.D.C. 05-2454 (HHK).
90. *Care Pharmacies, Inc. v. Purdue Pharma, L.P., et al.*, United States District Court for the Southern District of New York, Case No. 04-CV-3890 (Class action alleging damages based on abuse of patent for OxyContin)

91. *Derek S. Lynn v. Hyundai Motor America, Inc.*, Circuit Court of Madison County, Alabama, Civil Action No. CV-03-412.
92. *In re FedEx Ground Package System, Inc. Employment Practices Litigation*, United States District Court for the Northern District of Indiana, South Bend Division, Case No. 05-MD-527.
93. *In re Humana, Inc. Managed Care Litigation*, United States District Court for the Southern District of Florida, MDL 1334, **Executive Committee**. (Class action against managed-health care organizations for nonpayment).
94. *Marleen M. LaPlant v. The Northwestern Mutual Life Insurance Company*, State of Wisconsin, Circuit Court, Milwaukee County, Case No. 08-cv-011988, **Co-lead Counsel**.
95. *Poulos, et al. v. Caesar's World, Inc., et al.*, United States District Court for the District of Nevada, CV-S-94-1126-DAE (RJJ) (Misrepresentation of odds in slot machines).
96. *Prewitt Enterprises, Inc., v. Organization of Petroleum Exporting Countries*, United States District Court for the Northern District of Alabama, Case No. CV-00-B-0865-S.
97. *Thomas Miller and Noel Collette v. Deluxe Corporation*, First Judicial District, District Court of Dakota County, Minnesota, Civil Action No. 19-CO-03-6487 (Checks Unlimited).

# **EXHIBIT 5**





## **FIRM BIOGRAPHY**

### **LITE DEPALMA GREENBERG & AFANADOR, LLC**

**August 2023**

Lite DePalma Greenberg & Afanador, LLC is a general practice law firm, with offices in Newark and Philadelphia. The firm specializes in commercial and complex litigation with a concentration in class action matters in the areas of securities, antitrust, consumer fraud, and insurance sales practices. More detail about the firm and its attorneys appears on its website, [www.litedepalma.com](http://www.litedepalma.com).

#### **Diversity and Inclusiveness: Our Tradition**

Lite DePalma Greenberg & Afanador, LLC has a long-standing tradition of recruitment, retention, and advancement of women and minority attorneys. The firm did not attain its diverse team of partners, associates, and staff as a result of a contemporary mission to create diverse workplaces. Long before multiculturalism became the trend, Lite DePalma Greenberg & Afanador, LLC was committed to diversity in the workplace. Having elected its first minority attorney to the partnership over a decade ago, the firm has continually maintained a team of partners, associates, and staff that is representative of various multicultural backgrounds. The firm currently boasts a team comprised of 50% women and/or minority attorneys, including at the partnership level. We are also committed to staffing cases with a diverse team of seasoned attorneys that are capable of tending to the needs of our clients in today's increasingly diverse global economy. To that end, Lite DePalma Greenberg & Afanador, LLC actively recruits women and minority attorneys and regularly staffs its summer associate positions with law students participating in the Rutgers Minority Student Program. We are immensely proud to have been part of that journey and have witnessed firsthand how this type of trail blazing motivates and inspires our young associates.



**Community and Leadership: Our Devotion to the Development of the Newark Community and Minority / Socioeconomically Disadvantaged Groups**

Founded in 1978, our law firm began its practice in Newark, New Jersey and has remained a Newark resident at all times. As a proud member of the Newark community, Lite DePalma Greenberg & Afanador, LLC supports its local charitable, educational, cultural, and pro bono legal institutions. The firm is heavily involved with Newark's educational institutions. The firm has participated in a summer hiring program that employs minority students from University High School on a part-time basis in order to provide inner city students with valuable exposure to a law practice. It also supports Newark's law schools by supporting Seton Hall and Rutgers-Newark, financially and otherwise. Our attorneys are deeply committed to both schools and regularly volunteer their time in alumni, moot court, and other programs. In the cultural arena, the firm was a Founding Sponsor of the New Jersey Performing Arts Center in Newark and a consistent financial supporter of NJPAC since its inception. Among the pro bono legal institutions that Lite DePalma Greenberg & Afanador, LLC has actively assisted are Consumers League of New Jersey and the Center for Auto Safety in Washington, DC. The firm successfully represented both organizations as amicus curiae in cases before the Supreme Court of New Jersey. Additionally, several of our attorneys were among the first in New Jersey to handle pro bono appeals in the New Jersey Appellate Division's Pro Bono Civil Pilot Program and have participated in several pro bono matters.

**Loyalty: Our Commitment to Family and Personal Relationships**

Lite DePalma Greenberg & Afanador, LLC has long-realized that promoting healthy family and personal relationships is a key component to building a successful and cohesive practice. Mindful of the increase in dual income families, the firm strives to create an environment that is respectful of family obligations. Lite DePalma Greenberg & Afanador, LLC



endeavors to facilitate flexible work arrangements by offering a fair family leave policy, flex-time, and telecommuting.

### **MEMBERS OF THE FIRM**

**JOSEPH J. DEPALMA** (Newark Office), the Firm's Managing Member, has a vast breadth of experience in many types of class action cases involving securities, ERISA, antitrust, product liability, and consumer fraud. Mr. DePalma also handles shareholder derivative litigation, commercial litigation, and transactional matters for the firm's corporate clients. He has a Masters Degree in Business Administration and a J.D. degree from Seton Hall University School of Law.

Mr. DePalma has served as Co-Lead Counsel for the State of New Jersey, Division of Investment, as Lead Plaintiff in two prominent class actions that have resulted in significant recoveries: *Reginald Newton v. Tenet Healthcare Corp.*, (Tenet Healthcare Securities Litigation), cv-02-8462-RSWL (C.D. Cal.) (\$281.5 million settlement); *In re Motorola Securities Litig.*, Civ. No. 03-C-287 (N.D. Ill.) (\$193 million settlement reached three business days before trial).

Mr. DePalma has also played an active role in obtaining settlements in numerous recognized class actions comprising some of the largest settlements in the nation. Included in such cases are: *In re Prudential Ins. Co. of America Sales Practices Litig.*, 148 F.3d 283 (3d Cir. 1998) (over \$4 billion paid out in largest insurance sales practices settlement ever) (Liaison Counsel); *In re Lucent Technologies Securities Litig.*, Civil Action No. 00cv621(AJL) (D.N.J.), reported opinions, 2003 WL 25488395 (D.N.J. Dec. 15 2003), 2002 WL 32815233 (D.N.J. July 16, 2002), 217 F. Supp. 2d 529 (D.N.J. 2002), 2002 WL 32818345 (D.N.J., May 9, 2002), 221 F. Supp. 2d 463 (D.N.J. 2001), 221 F. Supp. 2d 472 (D.N.J. 2001) (approximate \$610 million



settlement) (Liaison Counsel); *Galanti v. Goodyear*, Civil Action No. 03-209(SRC) (D.N.J.) (\$300 million product liability settlement) (Liaison Counsel); *In re Aremissoft Corp. Securities Litig.*, Civil Action No. 01-CV-2486 (JAP) (D.N.J.), reported opinion, 210 F.R.D. 109 (D.N.J. 2002) (over \$250 million recovered to date; case is ongoing) (Liaison Counsel); *In re Royal Dutch/Shell Transport Litigation*, Civil Action No. 04-1398 (JWB) (D.N.J.), reported opinions, 404 F. Supp. 2d 605 (D.N.J. 2005), 380 F. Supp.2d 509 (D.N.J. 2005) (\$90 million ERISA settlement, the largest settlement ever under ERISA) (Liaison Counsel); *P. Schoenfeld Asset Management, LLC v. Cendant Corp.*, Civil Action No. 98-4734(WHW) (\$26 million settlement after precedent-setting decision in same case, *Semerenko v. Cendant Corp.*, 223 F.3d 165 (3d Cir. 2000)) (Liaison Counsel); *Steiner v. MedQuist*, Civil Action No. 04-CV-05487-JBS (D.N.J.), reported opinion, 2006 WL 2827740 (D.N.J. Sept. 29, 2006) (\$7.75 million) (Liaison Counsel); *In re Tellium Securities Litig.*, No. 02-CV-5878 (FLW) (D.N.J.), reported opinion, 2005 WL 1677467 (D.N.J. June 30, 2005) (\$5.5 million) (Liaison Counsel), and; *In re NUI Securities Litig.*, Civil Action No. 02-CV-5220 (MLC) (D.N.J.), reported opinion, 314 F. Supp. 2d 388 (D.N.J. 2004) (\$3.5 million) (liaison counsel).

Mr. DePalma's years of experience also include the following major matters: *In re Computron Software, Inc. Securities Litig.*, Civil Action No. 96-1911 (AJL) (approximate \$15 million settlement) (Liaison Counsel); *In re USA Detergents, Inc. Securities Litigation*, Master File No. 97-2459 (MTB), District of New Jersey (\$10 million settlement) (Liaison Counsel); *In re: The Children's Place Securities Litig.*, Master File No. 97-5021 (JCL), District of New Jersey, reported opinion, 1998 WL 35167284 (D.N.J. Sept. 4, 1998) (\$1.7 million settlement) (Liaison Counsel); *Arthur Fields, et al. v. Biomatrix, Inc., et al.*, Civil Action No. 00-CV-3541 (WGB), District of New Jersey (\$2.45 million settlement) (Liaison Counsel), and *In re Atlas*



*Mining Securities Litig.*; Civil Action No. 07-428-N-EJL (D. Idaho) (\$1.25 million) (Lead Counsel).

Some of Mr. DePalma's other court approved class action and mass action settlements, involved product liability, takeover and ERISA matters. In a complex MDL mass action proceeding involving the illegal harvesting of body parts and the untested surgical implanting of those parts, Mr. DePalma, along with a team of nationally recognized colleagues, achieved a global settlement in a case captioned *In re Human Tissue Product Liability Litig.* (D.N.J.). Mr. DePalma achieved a settlement on behalf of shareholders in tender offer litigation, captioned *In re Alparma Shareholder Litigation*, (N.J. Superior Ct.). In a complex ERISA matter involving two appeals to the Third Circuit, Mr. DePalma obtained a settlement of \$8.5 million on behalf of a class of participants in a retirement plan alleging breaches of fiduciary duties. *In re Schering-Plough Corporation ERISA Litigation*, (D.N.J.).

Mr. DePalma has also achieved excellent results for clients in other areas of litigation. Among other things, he won large settlements for a condominium association on construction defect and legal malpractice claims and has successfully handled securities arbitrations as well.

Mr. DePalma has lectured in the areas of class action law and in complex commercial litigation. He has also served as a member of the New Jersey Supreme Court's District Ethics Committee.

Mr. DePalma served on the Board of Visitors of the Seton Hall University School of Law from 2011 to 2022. Mr. DePalma served as co-chair of the law school's Small Firm Committee and was a member of its Diversity Counsel.



Mr. DePalma was named as a New Jersey Super Lawyer in the 2007-2021 issues of *New Jersey Monthly* magazine. He was also named to ALM's 2012 "New Jersey Top Rated Lawyers," listed under "Business & Commercial."

**BRUCE D. GREENBERG** (Newark Office) has served as Co-Lead Counsel, Executive Committee or Steering Committee member, or Liaison Counsel in major antitrust, defective products, consumer fraud, and securities class action cases. He also handles sophisticated appellate, commercial and real estate litigation.

A number of Mr. Greenberg's class action cases have resulted in significant settlements. Among his federal court class action successes are a settlement worth more than \$750 million for a nationwide class in *Varacallo v. Massachusetts Mutual Life Ins. Co.*, 226 F.R.D. 207 (D.N.J. 2005) (Co-Lead Counsel), an insurance sales practices case, a \$35.75 million nationwide class settlement in *In re STEC Securities Litig.*, No. SACV 09-01304-JVS (MLGx) (Co-Lead Counsel), a securities fraud case, *Cole v. NIBCO, Inc.*, No. 13-7871 (FLW) (TJB) (Co-Lead Counsel), a \$43.5 million nationwide settlement in a defective products case, a nationwide consumer settlement worth up to \$13 million in *Schwartz v. Avis Rent a Car System, LLC*, Civil Action No. 11-4052 (JLL) (Co-Lead Counsel), a highly valuable nationwide settlement in *In re Samsung DLP Television Class Action Litigation*, Civil Action No. 07-2141 (GEB) (MCA) (Executive Committee), settlements totaling over \$200 million for a nationwide class in the multidistrict antitrust litigation captioned *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1663, Civil Action No. 04-5184 (FSH) (District of New Jersey) (Liaison Counsel), and another antitrust class action, *In re Liquid Aluminum Sulfate Antitrust Litigation*, MDL No. 2687, Civil Action No. 16-md-2687 (JLL) (JAD) (District of New Jersey) (Steering Committee and Liaison Counsel), which produced settlements totaling over \$90 million for a nationwide class.



His efforts as Co-Lead Counsel for certified classes in the United States District Court for the Western District of Pennsylvania (*Zeno v. Ford Motor Co.*, 238 F.R.D. 173 (W.D. Pa. 2006), and 480 F. Supp. 2d 825 (W.D. Pa. 2007)) and in the Superior Court of New Jersey, led to a four-state settlement that afforded full benefit of the bargain relief to consumers in *Pedersen v. Ford Motor Co.*, No. GIC 821797 (Cal. Super Ct.). Mr. Greenberg was also instrumental in *In re Motorola Securities Litig.*, Civ. No. 03-C-287 (N.D. Ill.), where Lite DePalma Greenberg & Afanador, LLC, as Co-Lead Counsel, achieved a \$193 million settlement just three business days before trial was to begin.

Mr. Greenberg's New Jersey state court class actions include a settlement valued at \$8.6 million for a nationwide class of current and former merchants in *Roma Pizzeria v. Harbortouch f/k/a United Bank Card*, Docket No. HNT-L-637-12 (Co-Lead Counsel); a \$100 million settlement for a nationwide consumer class in *Friedman v. Samsung Electronics America, Inc.*, Docket No. BER-L-7250-01 (Liaison Counsel), a comparably sized settlement for a nationwide consumer class in *Summer v. Toshiba America Consumer Products, Inc.*, Docket No. BER-L-7248-01 (Liaison Counsel), another nationwide consumer class settlement in *Barrood v. IBM*, Docket No. MER-L-843-98 (Co-Lead Counsel), which afforded class members full benefit of the bargain relief, (Co-Lead Counsel), a settlement for a New Jersey consumer class worth over \$7 million in *Delaney v. Enterprise Rent-A-Car Co.*, Docket No. OCN-L-1160-01 (Co-Lead Counsel), a \$4.5 million settlement for a New Jersey consumer class in *DeLima v. Exxon*, Docket No. HUD-L-8969-96 (Co-Lead Counsel), and an unprecedented settlement in a class action involving a merger, *Rubin v. Mercer Insurance Group, Inc., et al.*, Docket No. MER-C-102-10 (Co-Liaison Counsel), which afforded stockholders the opportunity to review forward looking



financial information of the company, thus allowing shareholders to make a more informed decision concerning the merger.

A 1982 graduate of the Columbia University School of Law, Mr. Greenberg clerked for Justice Daniel J. O'Hern of the Supreme Court of New Jersey for the 1982-83 Term. Before joining the firm, Mr. Greenberg was a partner at one of New Jersey's largest law firms.

Mr. Greenberg appears regularly in the appellate courts. He has argued twelve times in the Supreme Court of New Jersey, three cases in the Third Circuit Court of Appeals, and over 50 cases in New Jersey's Appellate Division. Over 40 of his cases have resulted in published, precedential opinions, including major decisions on class actions, mass torts, zoning and land use, restrictive employment covenants, real estate brokerage, and other topics.

Among his many other publications, Mr. Greenberg is the author of the chapter entitled "Supreme Court Review" in *New Jersey Appellate Practice Handbook* (New Jersey ICLE), co-author, with Susana Cruz Hodge, of the chapter entitled "Class Action Litigation" in *New Jersey Federal Civil Procedure* (NJLJ Books (1<sup>st</sup> ed. 1999 and annual supplements)), and author of "Keeping the Flies Out of the Ointment: Restricting Objectors to Class Action Settlements," 84 St. John's L. Rev. 949 (2010). That and other law review articles that he has written have been cited with approval by the Supreme Court of New Jersey, the Appellate Division, and federal and state courts in other jurisdictions. Mr. Greenberg has lectured on class actions for both New Jersey and Pennsylvania CLE, and he delivered the 27th annual Evangelides Memorial Lecture at Rutgers University's Eagleton Institute on the topic "Class Action Litigation: Who Benefits?" He has served as an expert witness on attorneys' fees in class actions and Chancery litigation. He has also spoken on civil trial preparation, appellate practice and other subjects. Mr.





Greenberg also writes the New Jersey Appellate Law blog, <http://appellatelaw-nj.com>, New Jersey's foremost appellate blog, since 2010.

Mr. Greenberg belongs to the New Jersey State Bar Association and was Chair of the Association's Appellate Practice Committee from 2004-2006. He is a past Co-Chair of the NJSBA's Class Actions Committee, a position he held from 2008-2016. From 1991-2006, Mr. Greenberg was a member of the Supreme Court of New Jersey Committee on Character. He was also one of the founding members, and a past Chair, of the New Jersey Law Firm Group, a consortium of major law firms to advance hiring of minority lawyers.

Mr. Greenberg has been named to the "New Jersey Super Lawyers" list, for "Appellate Practice," in *New Jersey Monthly* magazine every year since 2005, when that list was first published, and has twice been named to the "New Jersey Super Lawyers" Top 100, most recently in 2020. Mr. Greenberg has been listed in "Best Lawyers in America®" in 2019 and 2020, for "Appellate Practice." He was also named to ALM's 2012 "New Jersey Top Rated Lawyers," listed under "Commercial Litigation." Mr. Greenberg has an "AV" rating from Martindale-Hubbell.

**VICTOR A. AFANADOR** (Newark Office) handles litigation and trials of civil and criminal cases. His experience includes public entity tort liability defense, employment related defense of CEPA and LAD matters, police related state and federal civil rights defense, condemnation and redevelopment law, complex commercial litigation, and criminal defense. In addition, Mr. Afanador served from September 1999 through May of 2005 as Deputy Director of Law for the City of Perth Amboy. In that capacity, he provided counsel to the Mayor, the City Council, and City department directors on legal matters.



Mr. Afanador has successfully tried to verdict jury and bench trials in civil rights and redevelopment law matters. He has also tried public entity employee termination hearings before the Office of Administrative Law and numerous matters of many types in Municipal Court. He also litigated and managed the condemnation of sixteen properties in a single municipality.

In addition to his trial work, Mr. Afanador has argued before the Superior Court of New Jersey, Appellate Division. His published opinions include *Deegan v. Perth Amboy Redevelopment Agency*, 374 N.J. Super. 80 (App. Div. 2005). Mr. Afanador has also applied his investigative skills in the class action area. He interviewed Spanish-speaking employees and prepared a report for the Court as part of the firm's responsibilities as Class Administrator for an employment discrimination class action.

Mr. Afanador clerked for Judges Mathias E. Rodriguez and Frederick P. DeVesa, Superior Court of New Jersey, Law Division Criminal Part, in Middlesex County from 1998-1999.

Mr. Afanador was appointed by the Essex County Executive in September of 2005 to serve as a Commissioner on the Essex County Board of Public Utilities. He is a member of the New Jersey State Bar Association, The Association of the Federal Bar of the State of New Jersey, Seton Hall University School of Law Alumni Association, the Essex County Bar Association, and the Hispanic Bar Association of New Jersey. He is a 2003 Graduate of the Leadership Newark Fellowship Program and has served on the African Globe Theatreworks Board of Directors, a professional theater company based in Newark, New Jersey.

Mr. Afanador was designated a Rising Star in the May 2006, May 2007, May 2008, May 2009, May 2010, May 2011, May 2012, and May 2013 issues of *New Jersey Monthly* magazine. He was also named to the "40 Under 40" issue by the New Jersey Law Journal in 2010.



**SUSANA CRUZ HODGE** (Newark Office) is a member of Lite DePalma Greenberg & Afanador, LLC and focuses her practice on class actions. Her primary focus is on product liability and consumer fraud cases. Ms. Hodge has participated in numerous consumer cases, including *Cole v. NIBCO, Inc.*, No. 13-CV-07871 (D.N.J.), a case involving defective plumbing piping, tubing and fixtures that resulted in a nationwide consumer settlement worth \$44 million; *Schwartz v. Avis Rent a Car System, LLC*, No. 11-4052 (D.N.J.), a case involving fraudulent fee charges that resulted in a nationwide consumer settlement worth up to \$13 million; *In re Shop-Vac Marketing and Sales Practices Litig.*, No. 4:12-MD-2380 (M.D. Pa.), a case involving misrepresentation of the peak horsepower of wet/dry vacuums that resulted in a nationwide settlement fund valued at \$174 million; and *Mendez v. Avis Budget Group, Inc.*, No. 11-cv-6537 (D.N.J.), where a nationwide class of over 10 million consumers has been certified.

Recently, Susana was appointed as a member of the Executive Committee in *In re Robinhood Outage Litigation*, No. 20-01626-JD (N.D. Cal.), which was filed on behalf of users of Robinhood's trading platform who were unable to access their brokerage accounts on March 2, 2020, a day that saw the biggest ever point gain in a single day with Dow Jones Industrial Average rising over 1,294 points, the S&P 500 rising 136 points, and the Nasdaq rising 384 points. Ms. Hodge is also currently actively involved in representing plaintiffs in several consumer class actions involving heavy metals, BPA, and other contaminants and toxins in food, including, *Colangelo v. Champion Petfoods USA, Inc. et al.*, No. 6:18-cv-01228 (N.D.N.Y.), *Zarinebaf et al v. Champion Petfoods USA, Inc. et al.*, No. 1:18-cv-06951 (N.D. Ill.), *In Re: Big Heart Pet Brands Litigation*, No. 4:18-cv-00861 (N.D. Cal.), *Grossman v. Schell & Kampeter, Inc.*, No. 2:18-cv-02344 (E.D. Cal.), and *Zeiger v. WellPet LLC*, No. 3:17-cv-04056 (N.D. Cal.), where a class of California dog food purchasers was recently certified.



Ms. Hodge also represents individual parties in general business disputes arising from breach of contract and fraud, as well as employment-related issues. In her capacity as a commercial litigator, Susana represented a major food and beverage company in recovering millions of dollars fraudulently converted in a Ponzi scheme. She has also represented a struggling local business in closing its doors without filing bankruptcy, which involved negotiating settlements with nearly 100 creditors and successfully pursuing claims against various debtors. Susana has investigated, negotiated, and litigated claims by subcontractors and material suppliers in a range of construction-related contractual disputes. Susana has also filed and defended commercial and residential construction liens, and payment and performance bond surety claims in cases involving public and private construction projects.

Ms. Hodge has briefed and argued before the United States Court of Appeals for the Seventh Circuit, the U.S. District Court for the District of New Jersey, and the New Jersey Superior Court. Ms. Hodge has also participated in appeals to the United States Court of Appeals for the Third, Seventh, and Ninth Circuits, as well as to the Appellate Division of the New Jersey Superior Court involving constitutional and employment law, rent control, and commercial leasing issues.

Ms. Hodge was one of the first attorneys in New Jersey to handle pro bono appeals in the New Jersey Appellate Division's Pro Bono Civil Pilot Program and has participated in several pro bono matters. Most recently, Ms. Hodge represented an individual in an emergency application to the New Jersey Appellate Division, which led to the client avoiding eviction, and secured a dismissal of a temporary restraining order in another matter that would have imposed automatic prison time for her client.



Ms. Hodge is co-author, with Bruce D. Greenberg, of the chapter entitled “Class Action Litigation” in New Jersey Federal Civil Procedure and has been a panelist in various seminars such as “Significant Developments in Class Actions,” hosted yearly by the New Jersey Institute for Continuing Legal Education, and “The Evolving Nature of Class Actions,” hosted by New Jersey State Bar Association.

Ms. Hodge is a graduate of Boston College (2001) and Boston College Law School (2005). Prior to joining private practice, Ms. Hodge clerked for the Hon. Thomas J. LaConte, Superior Court of New Jersey, Passaic County. She also taught Legal Writing at Seton Hall University Law School to first year law students prior to joining Lite DePalma Greenberg & Afanador, LLC. Prior to attending law school, Ms. Hodge taught Portuguese, English, and math to young students in Rio de Janeiro, Brazil, as part of Projeto Unicom Rocinha, a Brazilian non-profit organization. Ms. Hodge was named as a “Rising Star” in *New Jersey Monthly* magazine from 2014 to 2019 and has since been named to the “New Jersey Super Lawyers” list every year.

**MINDEE J. REUBEN** (Philadelphia Office) is a Member of the firm and is resident in the firm’s Philadelphia office. Ms. Reuben represents plaintiffs across the country in a broad range of antitrust and consumer class action matters, regularly serving as lead, co-lead and liaison counsel and as a member of case-management committees in high-profile, multi-jurisdictional litigation. *Super Lawyers* and *Philadelphia Magazine* have repeatedly named Ms. Reuben as one of Pennsylvania’s top lawyers in the field of antitrust, as well as one of the top 50 Women Super Lawyers overall in the state. Mindee has also been named in the 25<sup>th</sup> and 26<sup>th</sup> Editions of *The Best Lawyers in America*® for her work in Antitrust Law and Litigation – Antitrust.



Ms. Reuben is currently involved in several plaintiff class action antitrust matters, including *In re: Processed Eggs Products Antitrust Litigation*, No. 08-md-2002 (E.D. Pa.), in which she is co-lead and liaison counsel, and the court has approved over \$130 million in settlements. She is also a member of the steering committee and has oversight of the document review in *In re: Generic Pharmaceutical Pricing Antitrust Litigation*, No. 16-md-2724 (E.D. Pa.), a member of the trial plan committee in *In re Blue Cross Blue Shield Antitrust Litigation* (Subscribers), No. 13-cv-20000 (N.D. Ala.), and a member of the deposition team in *In re Broiler Chicken Antitrust Litigation* (Direct Purchasers), No. 18-cv-8637 (N.D. Ill.). Other recent cases on which she has had a case management role include *In re: Lithium Ion Batteries Antitrust Litigation*, No. 13-md-2420 (N.D. Cal.) (steering committee), *Gordon v. Amadeus IT Group, S.A.*, No. 15-cv-5457 (S.D.N.Y.) (co-lead counsel), and *In re: Polyurethane Foam Antitrust Litigation*, MDL No. 2196 (N.D. Ohio) (executive committee), where the court approved over \$147,000,000 in settlements. She is presently active in a number of other antitrust matters around the country as well, including *In re Aluminum Sulfate Antitrust Litigation*, No. 16-md-2687 (D.N.J.) and *In re Broiler Chicken Antitrust Litigation*, No. 16-8637 (N.D. Ill.).

Ms. Reuben's significant past antitrust matters include *BP Products North America, Inc. Antitrust Litigation* (N.D. Ill.) (\$52 million settlement), *In re: Polyester Staple Antitrust Litigation* (W.D.N.C.) (\$50 million settlement), *In re: Electrical Carbon Products Antitrust Litigation* (D.N.J.) (\$21.9 million settlement), and *In re Flonase Antitrust Litigation* (E.D. Pa.) (confidential settlement on behalf of generic competitor).

Ms. Reuben also served as class counsel in the consumer class action of *Fritzinger v. Angie's List*, Case No. 12-cv-1118 (S.D. Ind.), and as co-lead counsel in *Stone v. Stewart Title Guaranty Co.*, Philadelphia Court of Common Pleas, June Term, 2006, No. 2003 (consol. under



*Cummings v. Stewart Title Guaranty Co., et al.*, Philadelphia Court of Common Pleas, March Term, 2005, No. 747) (Glazer, J.), both of which resulted in favorable settlements for the class. At the final approval hearing, the court noted that “counsel really did an extraordinary job.”

Ms. Reuben is actively involved with the Philadelphia Bar Association, historically having served as Vice Chair of the Association’s Bench Bar and Annual Meeting and as Chair of its Women’s Rights Committee. Her work on the Women’s Rights Committee focused on human trafficking in the United States and resulted in the Association’s Board of Governors passing a Resolution in Support of Ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). She is also a member of the Federal Courts Committee, Women in the Profession Committee and Business Law Section.

Ms. Reuben is a founding member of Women Antitrust Plaintiffs’ Attorneys, a national organization of women who focus their practices on cartel and other anticompetitive cases. She has been appointed to serve in the Leadership of the Antitrust Law Section during 2019-2020 as a Member of the Competition/Consumer Protection Policy and North American Comments Task Force, and is co-authoring a chapter in the ABA’s *Antitrust Daubert Handbook*. Ms. Reuben is also a Lecturer in Law in the area of legal writing for the LL.M. program at the University of Pennsylvania School of Law. She previously served as an Adjunct Professor of Law at the James E. Beasley School of Law of Temple University.

Ms. Reuben has contributed to numerous comprehensive legal publications, and has spoken on a variety of subjects, including ethics and the Federal Rules of Civil Procedure. Most recently, Mindee was a panelist for the ABA Civil Practice and Procedure Section of Antitrust Law speaking on “Antitrust Class Action Program Series: Class Action Killer or Business as Usual? -- Rule 23(b)(3) and the Predominance Requirement” and a panelist for the ABA Section



of Litigation's "Rules Roadshow," on the topic "Precision Advocacy: Reinventing Motion Practice to Win" in Philadelphia.

After earning her joint law and master of public administration degrees from the University of Pittsburgh, Ms. Reuben served as a law clerk for the Honorable Frank J. Montemuro, Senior Justice of the Supreme Court of Pennsylvania.

**ALLEN J. UNDERWOOD II** (Newark Office) is a seasoned corporate, commercial and bankruptcy attorney who serves as outside general and special counsel to public and private manufacturing, trading, lending and service providers. His corporate and commercial career has as its foundation many years of intensive representations of creditors, debtors, committees and trustees in federal bankruptcy and state law debtor/creditor matters. Representing a distressed entity in workout, forbearance, reorganization (either inside or outside of bankruptcy), wind-down or liquidation requires certain confidence, experience and mettle. These same characteristics are required when representing companies in strategic growth phases, commercial negotiations and, where unavoidable, civil litigation. Mr. Underwood's extensive experience counseling clients at their best of times and their worst of times enables him to provide fast and efficient advice on the executive level. Mr. Underwood holds a Bachelor of Arts Degree in both History and Creative Writing from Hamilton College, in Clinton, New York. He holds a Juris Doctorate from the Seton Hall University School of Law. He was law clerk to the Honorable Edward V. Torack, J.S.C.

Mr. Underwood is chair of the firm's Corporate, Commercial and Bankruptcy Department. This practice, by definition, encompasses diverse areas of state and federal law, something he both relishes, and emphasizes when describing his work with clients. In the Chancery and Law Divisions, Mr. Underwood has represented corporate and individual plaintiffs





and defendants in breach of contract, common-law fraud and breach of fiduciary duty matters, employment cases, and all manner of commercial actions. In the bankruptcy courts, Mr. Underwood has represented a multitude of corporate bankruptcy creditors on administrative, secured, priority and unsecured claims, with many of these matters involving complex issues of securitization, priority, setoff, recoupment, reclamation and possession of collateral. These matters frequently involve related issues (difficult in their own right) of purportedly preferential or fraudulent transfers, demands for turnover, alleged unauthorized pre- or post-petition transfers, assumption and rejection, and the like. Issues of guaranty and indemnity, whether as to principals, corporations, or construction and insurance entities, have likewise proliferated in recent years. Mr. Underwood has also represented creditors in numerous healthcare-related bankruptcies, including in most of the major hospital bankruptcies filed in New Jersey over many years.

In bankruptcy and insolvency matters, Mr. Underwood's ethos for creditors is to minimize costs while maximizing leverage and recovery. The ability to achieve this, time and again, is the product of efficiency, hard work and experience. That same ethos characterizes his efforts in commercial and transactional matters.

Mr. Underwood is admitted and frequently practices in the state courts of New York and New Jersey, and the Federal District and Bankruptcy Court in New Jersey, as well as the Federal District and Bankruptcy Courts in the Southern, Eastern and Western Districts of New York. Mr. Underwood is also admitted in the District of Columbia, and from time to time as necessary has been admitted pro hac vice before the United States Bankruptcy Court for the District of Delaware. Notable bankruptcy matters over the years are many, but include: representation of personal injury and wrongful death plaintiffs as creditors in multiple Delaware nursing home and



healthcare-related bankruptcies; representation of insurance entities in numerous New Jersey bankruptcies on every aspect of coverage, from pre-filing negotiations to cash collateral and budget treatment, claims filing, plan confirmation, assumption and rejection, claims objections, and defense of avoidance actions; representation of commercial lenders in New York and New Jersey bankruptcies on secured claims; representation of a New Jersey city as creditor of a major real estate development in Chapter 11, and a complex settlement enabling resolution of takings claims, debtor refinance and project completion, maintenance and beneficial modification of the redevelopment plan, a confirmed Chapter 11, and ultimately a successful project that amplified revenue and regenerated a blighted area, representation of a manufacturer of factory equipment in Delaware bankruptcies on reclamation, administrative and unsecured claims related to immediate pre-bankruptcy factory renovations, and product and work supplied thereto.

Notable non-bankruptcy court litigations include: summary judgment for a plaintiff pension fund on dispositive motion as to multiple conveyances under the Uniform Fraudulent Transfers Act; settlement and payment following litigation to judgment on equipment shipped to Iraq but not paid for in full; settlement of trust and estate litigation in the Chancery Division alleging fraud and defalcation in fiduciary capacities by trustee and executor.

In addition to the above litigation, Mr. Underwood has always simultaneously represented individuals, and public and private corporations (with a distinct preference for closely held businesses) on the panoply of issues that arise for businesses. Notable corporate representations include: reorganization of a deadlocked non-profit and conversion of same to a for-profit entity, with continuing corporate general representation; corporate reorganization of all U.S. subsidiaries of a major manufacturer, streamlining corporate structure and operations, reducing overall costs, and deriving operation and tax benefit thereby, with continuing corporate



general representation on all matters; negotiations with the Pension Benefit Guaranty Corporation, resulting in a successful resolution regarding legacy subsidiary plan underfunding due in large part to market fluctuations; internal reorganization of a deadlocked business closely held by multiple generations of multiple families, streamlining of operations, and continuing corporate general representation on all matters.

Notable discrete corporate and commercial transactions include: negotiation and documentation of oil- and gas-related manufacturing supply and service contracts involving the supply of equipment and coordinated projects to public companies and state-owned entities in the state of Texas and in Brazil, Mexico, Romania, Tajikistan and many places in between; negotiation and documentation of supply contracts for equipment manufactured for U.S. government and military use; routine negotiation and documentation of agreements for the supply of curated data and information from licensed sources.

Mr. Underwood speaks frequently on bankruptcy and commercial matters at private client seminars, and events sponsored by the New Jersey State Bar Association/New Jersey Institute for Continuing Legal Education (NJICLE), the American Bankruptcy Institute, and other industry organizations. In 2014, Mr. Underwood received from Martindale-Hubbell® Peer Review Ratings™ a Peer Review Rating of AV® Preeminent™ in Bankruptcy, Insolvency and Creditor's Rights. This is the highest rating obtainable. In 2011, he was named to the New Jersey Law Journal's top "40 Under 40" List. Mr. Underwood is a member of the American Bankruptcy Institute, the Turnaround Management Association, The Association of Commercial Finance Attorneys, Garden State Credit Associates, and the New Jersey Bar Association, among other organizations, and he remains an associate member of the Bergen County Bar Association.



### COUNSEL

**STEVEN J. GREENFOGEL** (Philadelphia Office) is Counsel to the firm and is resident in the firm's Philadelphia office. Throughout his nearly 45 year legal career, Mr. Greenfogel has specialized in class action antitrust litigation, including many of the most significant multidistrict class action price fixing cases of modern times. He has served as Co-Lead Counsel in *In re Chain Link Antitrust Litigation*, Master File CLF-1 (D.Md); *In re Industrial Silicon Antitrust Litigation*, 95-2104 (W.D.Pa) (which he tried to verdict), *In re Isostatic Graphite Antitrust Litigation*, No. 2000-cv-4965 (E.D.Pa); and *Gordon v. Amadeus IT Group, S.A.*, 15-cv-03457-KPF (S.D.N.Y.). Mr. Greenfogel also served as one of the main trial counsel as well as co-chairman discovery in *In re High Pressure Laminates Antitrust Litigation*, No. 00-MD-1368(CLB) (S.D.N.Y.) (which was tried to verdict) and *In re Carbon Dioxide Antitrust Litigation*, MDL 940 (M.D. Fla) (which settled after jury selection). In addition to being Co-Chairman of Discovery in *In re Infant Formula Antitrust Litigation*, Master File No. MDL 878 (N.D. Fla), Mr. Greenfogel served as one of plaintiff's trial counsel (which settled after jury selection). He has served as a member of Plaintiffs' Executive Committee in numerous cases, including, *inter alia*, *In re Municipal Derivatives Antitrust Litigation*, MDL 1950 (S.D.N.Y. 2008), *In re Static Random Access Memory (SRAM) Antitrust Litigation*, cv-1819 (N.D. Cal 2007) and *In re Publication Paper Antitrust Litigation*, MDL 1631 (D. Ct 2004). Mr. Greenfogel has also played a major role in numerous other multidistrict antitrust class actions, including, *inter alia*, *O'Bannon v. National Collegiate Athletic Ass'n, et al.* cv-091967 cw (N.D. Cal 2009) (A Member of Plaintiff's Trial Team and Co-chairman Discovery); *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL 1827 (N.D. Cal 2006); *In re Direct Random Access Memory (DRAM) Antitrust Litigation*, No. 02-cv-01486-OHG (N.D. Cal 2002); *In re NASDAQ*



*Market Makers Antitrust Litigation*, MDL 1023 (S.D.N.Y.) (Chairman of Discovery); *In re Brand Names Prescription Drugs Antitrust Litigation*, MDL 997 (N.D. Ill.); *In re Commercial Tissue Antitrust Litigation*, MDL 1189 (N.D. Fla); *In re Infant Formula Antitrust Litigation*, Master File No. MDL 878 (N.D. Fla); *Cumberland Farms v. Browning Ferris Industries, Inc.*, A.A. No. 87-3717; *Superior Beverage/Glass Container Antitrust Litigation*, 89 C 5251 (N.D. Ill.); *In re Chlorine and Caustic Soda Antitrust Litigation*, 86-5428 (E.D. Pa); *In re Records and Tapes Antitrust Litigation* (N.D. Ill.); and *In re Broiler Chicken Antitrust Litigation* (N.D. Ga).

Earlier in his career from 1977 to 1980, Mr. Greenfogel served as an Assistant Attorney General in the Commonwealth of Massachusetts and was the first Chief of its Antitrust Division. He was the author of the Commonwealth's Antitrust Law (M.G.L. 93). During that time, he was a panelist at the New England Antitrust Conference in Boston as well as speaking on antitrust matters at various venues in Massachusetts.

Mr. Greenfogel served as a member of the Board of Trustees of Camden County College from 2000 through 2017, having been appointed to that position by Governors Whitman, McGreevy and Corzine. He has been selected fourteen times as one of the Top Attorneys in Pennsylvania by *Philadelphia Magazine* and has an "AV" rating from Martindale Hubbell.

**DANA S. SMITH** (Newark Office) is Counsel to the firm and is resident in the firm's Newark Office. Ms. Smith represents plaintiffs in state and federal courts across the country in a broad range of antitrust class action matters. She handles cases involving a wide variety of industries, from pharmaceuticals, consumer electronics and hardware, and food and beverages, to chemicals and manufacturing.



Ms. Smith is currently involved in several plaintiff class action antitrust matters, including *In re: Generic Pharmaceutical Pricing Antitrust Litigation*, No. 16-md-2724 (E.D. Pa.) and *In re: Hard Disk Drive Suspension Assemblies Antitrust Litigation*, MDL No. 2918 (N.D. Ca.).

Past significant matters she has worked on include: *In re: Processed Eggs Products Antitrust Litigation*, No. 08-md-2002 (E.D. Pa.), where she was a member of the trial team; *In re: Polyurethane Foam Antitrust Litigation*, MDL No. 2196 (N.D. Ohio); and, *In re: Pool Products Distribution Market Antitrust Litigation*, MDL No. 2328 (E.D. La.).

Concurrent to her work with the firm, Ms. Smith is the executive director of the Complex Litigation e-Discovery Forum (CLEF), which provides educational, advocacy and networking opportunities to elite practitioners in the plaintiffs' bar. In her leadership role, she works with the CLEF board of directors to position CLEF as a valued resource for plaintiffs'-side litigators and to the complex litigation bar as a whole, bringing an important perspective to the eDiscovery conversation.

Ms. Smith is a graduate of Binghamton University (2002) and Fordham University School of Law (2005). She is a member of the bars of the states of New Jersey and New York.

### **ASSOCIATES**

**CATHERINE B. DERENZE** (Newark Office) is an Associate with the firm. Catherine plays a significant role in a diverse range of class action matters at the firm, including antitrust, consumer, and data breach litigation. Representative matters include: *In re Samsung Customer Data Security Breach Litig.*, No. 23-md-3055 (D.N.J.) (appointed liaison counsel); *In re: American Medical Collection Agency, Inc. Customer Data Security Breach Litigation*, No. 19-md-2904 (D.N.J.); *In re Wawa, Inc. Data Security Litig.*, No. 19-cv-6019 (E.D. Pa.); *In re: Hard Disk Drive Suspension Assemblies Antitrust Litig. ("In re HDD")*, 19-md-02918 (N.D. Cal.); *In*



*re: Generic Pharmaceutical Pricing Antitrust Litigation*, No. 16-md-2724 (E.D. Pa.); *In re Plum Baby Food Litig.*, 1:21-cv-2417 (N.D. Cal.). She is heavily involved in discovery and motion practice and is developing a burgeoning appellate practice. Recent successes include defeating motions to dismiss in an antitrust matter, *In re HDD*, and a data breach matter, *In re AMCA*, and successfully briefing and arguing before the New Jersey Supreme Court on behalf of amici in *DiFiore v. Pezic*, \_\_ N.J. \_\_ (2023). She also provides research and writing assistance to new associates at the firm.

Catherine is a graduate of the College of the Holy Cross (2013) and Seton Hall University School of Law (2018). She is a member of the bars of the State of New Jersey and Federal Bar of New Jersey. Catherine is also a member of the New Jersey Bar Association and serves as the co-chair of its Appellate Practice Committee. Before joining LDGA, Catherine clerked for the Honorable Heidi Willis Currier, J.A.D., of the Appellate Division of the New Jersey Superior Court. Prior to that, she served as an extern to the Honorable Patty Shwartz, of the United States Court of Appeals for the Third Circuit. In May 2023, Catherine spoke on recent trends in class action litigation at the New Jersey State Bar Convention.

**ANTHONY ZATKOS** (Newark Office) is an associate with the firm in our Newark office. He was admitted to the bar in New Jersey and the United States District Court for the District of New Jersey in 2002 and the bar in New York in 2003. He is a graduate of Seton Hall University (B.S., Mathematics 1996) and the Seton Hall University School of Law (J.D. 2002).

Early in his legal career, Anthony practiced personal injury and civil rights law in New York City, as well as family law in New Jersey. He also served as a contributing writer and editor on *The Yudes Family Law Citator*, published each year by the New Jersey Institute of Legal Education. Since that time, his focus in practice has been electronic discovery, where



Anthony has learned the nuances of this growing field. With this experience, he has worked on cases covering a myriad of matters, including pharmaceutical patents, mergers, due diligence, residential mortgage-backed securities, anti-trust, bankruptcy, fraud, contract, and, most recently, class action. Prior to joining the firm, Anthony has also worked directly with firm members on several class-action matters.

**JOSHUA S. KAUFMAN** (Newark Office) is an associate with the firm in our Newark office. He was admitted to the bar in New York in 2020 and is admitted to both the United States District Courts for the Southern and Eastern District of New York. He is awaiting admission to the bar in New Jersey. He attended Baruch College (B.A. in Political Science 2012) and Brooklyn Law School (J.D. 2019). Prior to joining the firm, Joshua served as an Assistant Corporation Counsel with the New York City Law Department in the Special Federal Litigation Unit. Joshua also interned for former United States Magistrate Judge Lisa Margaret Smith, in the Southern District of New York.

**NICHOLAS R. McCLELLAND** (Newark Office) is an associate with the firm in our Newark office. He was admitted to the bar in New Jersey in 2018 and is also admitted to practice in the United States District Court for the District of New Jersey. He attended Syracuse University (B.A. in Philosophy and Political Science 2015) and Seton Hall Law School (J.D. 2018). Following law school, Nicholas served as Judicial Law Clerk to the Honorable Alan G. Lesnewich, J.S.C., of the Superior Court of New Jersey, Union County. Prior to joining LDGA, Nicholas was engaged in the practice as a civil litigation associate at a regional law firm based in Monmouth County.

**CONNOR T. WRIGHT** (Newark Office) is an associate with the firm in our Newark office. He was admitted to the bar in New Jersey in 2022. Prior to joining the firm, Connor held a





clerkship position with the Honorable Arthur J. Batista, J.S.C. in the Essex County Superior Court, Family Division. He obtained his J.D. from Rutgers Law School (Newark) in 2021. Prior to graduation, Connor interned for the Honorable Arthur J. Batista, J.S.C. in the Essex County Superior Court, Criminal Division, for two years. Connor was also an in-house legal intern for PIM Brands, Inc., and for Celldex Therapeutics, Inc., where his focus was primarily on intellectual property litigation and FDA compliance. He graduated from James Madison University in 2018 with a Bachelor's degree in Political Science.

**EMILY E. FEA** (Newark Office) is an associate with the firm in our Newark office. She was admitted to the bar in New Jersey in 2021. While in law school, Emily worked as a law clerk in civil litigation and as a research assistant. After graduating from law school, she clerked for the Honorable Tara Schillari-Rich, J.S.C. in Hudson County Superior Court, Family Division. Prior to joining LDGA, Emily practiced law at a Somerset County-based law firm. Emily earned her Bachelor of Science from Stevens Institute of Technology and her Juris Doctor from Seton Hall University School of Law.

**ERIC A. REID** (Newark Office) is an associate with the firm in our Newark office. He was admitted to the bar in New Jersey in 2018, and is also admitted to practice in the United States District Court for the District of New Jersey. While in law school, Eric worked in William & Mary's distinguished Veterans Benefits Clinic and externed for the Honorable Constance H. Frogale in the Juvenile and Domestic Relations Court in Alexandria, Virginia. After graduating from law school, he clerked for the Honorable Arthur Bergman, J.S.C. in Middlesex Superior Court, Chancery Division. Prior to joining LDGA, Eric practiced law as a Deputy Attorney General with the New Jersey Attorney General's Office, Division of Law and Public Safety. Eric graduated in 2011 from The George Washington University with a



dual major in International Affairs and Japanese Language and Literature. He earned his Juris Doctor from William & Mary Law School in 2018.